

SENATE—Friday, June 26, 1992

(Legislative day of Tuesday, June 16, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious Father in heaven, sometimes I do not know how to pray or what to pray for. I sense the tremendous burden that weighs on the Senate, especially the leadership, but I am unable to verbalize what I feel. I ask for a special dispensation of Your grace and love and power this morning. You have said in Your Word, "cast your burden on the Lord and He will sustain you." Give grace to our leader, to all Senators and their staffs, that they may work through these difficult hours and accomplish every needful matter for the sake of their families, the Nation, and to Your glory and praise. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 26, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

QUORUM CALL

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 2]

| | | |
|---------|------------|-------------|
| Adams | Kasten | Rockefeller |
| Baucus | Lautenberg | Simon |
| Bryan | Lieberman | Simpson |
| Burdick | Mitchell | Stevens |
| Conrad | Pell | Thurmond |
| Daschle | Riegle | |

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will now call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MITCHELL. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I request the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the majority leader. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUE], the Senator from Maryland [Ms. MIKULSKI], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Oregon [Mr. HATFIELD], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Delaware [Mr. ROTH] are absent due to illness.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 78, nays 10, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—78

| | | |
|----------|---------|-----------|
| Adams | Bryan | Conrad |
| Akaka | Burdick | Cranston |
| Baucus | Burns | Danforth |
| Bentsen | Byrd | Daschle |
| Biden | Chafee | DeConcini |
| Bingaman | Coats | Dixon |
| Breaux | Cochran | Dodd |
| Brown | Cohen | Domenici |

| | | |
|-------------|------------|-------------|
| Durenberger | Kerrey | Pryor |
| Exon | Kerry | Reid |
| Ford | Kohl | Riegle |
| Fowler | Lautenberg | Robb |
| Garn | Leahy | Rockefeller |
| Glenn | Levin | Rudman |
| Gore | Lieberman | Sarbanes |
| Gorton | Lugar | Sasser |
| Graham | Mack | Seymour |
| Grassley | McConnell | Shelby |
| Harkin | Metzenbaum | Simon |
| Hatch | Mitchell | Simpson |
| Heflin | Moynihan | Stevens |
| Hollings | Nickles | Thurmond |
| Jeffords | Nunn | Warner |
| Johnston | Packwood | Wellstone |
| Kassebaum | Pell | Wirth |
| Kennedy | Pressler | Wofford |

NAYS—10

| | | |
|---------|-----------|-------|
| Bond | Kasten | Smith |
| Craig | Lott | Symms |
| D'Amato | McCain | |
| Gramm | Murkowski | |

NOT VOTING—12

| | | |
|---------|----------|---------|
| Boren | Hatfield | Roth |
| Bradley | Helms | Sanford |
| Bumpers | Inouye | Specter |
| Dole | Mikulski | Wallop |

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess subject to the call of the Chair.

Thereupon, at 9:57 a.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 1:19 p.m. when called to order by the Presiding Officer [Mr. KOHL].

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair recognizes Senator REID of Nevada.

Mr. REID. May I ask the Chair what the parliamentary situation is now? What is before the Senate?

The PRESIDING OFFICER. The regular order is to lay back down the pending business unless morning business is requested.

Mr. REID. I ask unanimous consent that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KASHMIR

Mr. REID. Mr. President, I wish to bring to the attention of the Senate

today the plight of the people of Kashmir. Little is ever heard of this tiny state, located thousands and thousands of miles from where we stand. But it is a tiny state embroiled in a tragic conflict.

Jammu and Kashmir, as it is officially called, is the northernmost state of India, surrounded by India, Pakistan, Afghanistan, and China. With an area of only 86,000 square miles, Kashmir, even though it is this small, has a population of about 12 million. It is a beautiful land—or I should say, Mr. President, it was a beautiful land. Prior to the current crisis, it was India's premier tourist attraction. The Vale of Kashmir has been the subject of many pastoral poems. Today, though, Kashmir is a tragic land.

Kashmir is roughly 80 percent Muslim—the only predominantly Muslim state in India. But only two-thirds of Kashmir is actually under the control of the Indian Government. The other third is controlled by Pakistan. In fact, the Indian portion of Kashmir is occupied by as many as 200,000 troops. That is approximately 1 soldier for every 40 Kashmiris in that region.

How did Kashmir get into this situation? The status of Kashmir goes back to the partition of British India in 1947. The basis for partitioning Pakistan from India was religion. Pakistan was predominately Moslem, and India was predominately Hindu. So how did Kashmir, also predominately Moslem, end up remaining with India? After all, the "k" in Pakistan, which is a name contrived of the first letters of the provinces it encompasses, stands for Kashmir. I repeat, the "k" in Pakistan stands for Kashmir.

The two newly independent countries, India and Pakistan, were created by combining the British provinces with the princely states. The British gave the rulers of the princely states authority to choose among acceding to India, acceding to Pakistan, or remaining independent. The ruler of Kashmir at the time was a Hindu, and he sought to remain independent.

Faced with an insurgency that had the support of Pakistan, the Maharajah fled the capital, and sought aid from India to help crush the rebellion. In return for armed intervention, India made the Maharajah sign an instrument of accession to India.

The fighting continued, and one-third of Kashmir was freed from Indian control. India then brought the issue to the United Nations in January 1948. India urged the United Nations to call upon Pakistan to withdraw its troops. Once this was accomplished, India would agree to a plebiscite on the future of Kashmir. Pakistan agreed that a plebiscite should take place.

The Security Council then adopted a resolution and developed a plan that would lead to a plebiscite. The U.N. Commission for India and Pakistan

[UNCIP] was created. The Commission drew up a plan that called for a withdrawal of armies in a manner and sequence that would not cause disadvantage to either side or imperil the plebiscite.

India refused to accept this step-by-step demilitarization. India's stance was hardened by Pakistan's signing a military pact with the United States. From 1955, India has taken the position, in view of this alliance, that it could no longer countenance the withdrawal of its forces from Kashmir. India found support on the U.N. Security Council from the Soviet Union, and any further efforts by the Council were blocked. Not even two full-scale wars between India and Pakistan in 1965 and 1971 have shaken the stalemate.

There have been many uprisings by the Kashmiri people. All have been met with unrelenting and oppressive force by the Indian Government. To get a sense of the oppression in Kashmir, I want to quote from an Asia Watch report on human rights in India, dated May 1991:

In their efforts to crush the militant separatist movement in Kashmir, Indian government forces have acted without regard for international human rights law and have violated the laws of war protecting civilians in situations of armed conflict. Indian army soldiers and federal paramilitary troops of the Central Reserve Police Force and the Border Security Force have used lethal force against peaceful demonstrators, shooting scores of unarmed civilians. Following militant attacks, government forces have also engaged in the summary execution of suspected militants and reprisal killings of civilians. During such operations, the security forces have opened fire in crowded markets and residential areas. They have also conducted warrantless house-to-house searches, seizing young men and beating them, threatening and, in some cases, raping family members, and burning down entire neighborhoods.

Torture is widespread, particularly in the temporary detention centers, [where untold numbers are being held, estimated to be in the thousands]. Security legislation in effect in Kashmir has suspended safeguards against torture, including the requirement that all detainees be seen by a judicial authority. These laws also suspend prohibitions against the use of confessions obtained under torture and permit incommunicado detention.

The report I just quoted is about a year old. Current information on the situation in Kashmir is hard to get. India has clamped strict censorship on the news and barred the entry of all foreign reporters into the occupied area. The only press dispatches India allows are those filed by Indian correspondents after official briefings.

Mr. President, something has to be done. The Kashmiri people have suffered hardship, including torture, rape, and untold numbers of deaths, not to mention the destruction of their country and their economy. We here in the Senate must urge India to allow international humanitarian groups into

Kashmir; we must urge India to allow foreign reporters into the area; and we must urge India to allow a plebiscite so that the people of Kashmir may determine their own destiny—union with India, which is doubtful because of the heavy Muslim population, union with Pakistan or independence.

It is time the Senate took a second look at our relations with India—our aid, our commerce, our general outlook to India. Unless human rights standards are upheld in the tiny area we call Kashmir, we should not be dealing with the country of India, in my opinion.

Yesterday the House looked at this, debated this. They cut India's aid not just because of human rights violations in Kashmir, but also because of human rights violations in the Punjab and elsewhere in India.

It is time to settle this conflict. But it cannot be settled without outside pressure. And there will be no outside pressure unless people know about it. That is my purpose here today. My purpose is to bring this issue to the attention of the Senate, in hope and in anticipation that we will take some action to ease the over 40 years of suffering in a small corner of the world.

Mr. President, Kashmir was one of the world's paradises. It is now one of the world's hells.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that there be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I ask unanimous consent to proceed as if in morning business for a period of 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I thank the Chair.

BALANCED BUDGET AMENDMENT

Mr. BROWN. Mr. President, last night a very distinguished Member of this body, a senior Senator, had given remarks that I had made earlier in the day some personal attention. In this distinguished Senator's remarks, he implied that the statements I had made were "extreme statements," implied that they might be made without thinking clearly before one speaks, implied that some let foolish ideas get the best of their good judgments.

Mr. President, I thought it was worthwhile to set the record straight. I believe the distinguished Senator did not intend to misstate my position. I would like to make clear one point

which I believe is critical in our debate over the balanced budget amendment; that is, the responsibility of this Congress.

Mr. President, specifically this Member indicated to this body that I had said that this was the "worst" Appropriations Committee and the "worst" Congress in our history.

Mr. President, that was not my statement. That was never my statement. That language "the worst Appropriations Committee and 'the worst Congress' was repeated eight times in those remarks. That is simply inaccurate.

In addition, my remarks were described as having said that we had a "lousy committee," Mr. President. That was not in my remarks. It is not my feeling, and it is inaccurate.

I certainly do not mean to suggest the distinguished Senator intended these misstatements. We are busy, we have demanding schedules, and I believe the distinguished Senator states specifically that he may not be quoting precisely. So I welcome the opportunity to set the record straight and to make my intentions clear.

Mr. President, I am concerned about the debt of this Nation. I believe this Congress is the most irresponsible Congress in the history of our Republic. Those were my comments. That is what I believe. I will stand by it.

But, Mr. President, I want to do more than simply stand by it. I want to be specific, because it is a serious charge, and it is one that calls for some reflection.

Mr. President, this is a chart of the amount of money that the American people owe. It is a depiction of the amount we go into the marketplace and borrow every day. I believe that the fiscal policy of this Government is irresponsible, is dramatically fiscally irresponsible.

The number one exhibit is the national debt, which is fast approaching \$4 trillion. Mr. President, that is irresponsible. The deficit this year will be \$399.7 billion. Mr. President, I consider that fiscally irresponsible. That is the estimate of OMB. Perhaps it will be less than that. I certainly hope it will be. That is an incredibly irresponsible fiscal policy that threatens the vitality of our American experience.

Mr. President, the deficit this year exceeds Congress' own budget. It breaks the President's budget. That is fiscally irresponsible. The deficit this year, is \$118 billion more than what the President recommended to this Congress for fiscal year 1992. This Member believes that is fiscally irresponsible.

Mr. President, \$118 billion is the same amount of money that this Nation spent in 1965, for every purpose—for the buildup of the Vietnam war which began earlier that year. It is more than the entire cost of defense, the entire cost of Social Security, for

all Federal programs. In this fiscal year it is estimated that we will exceed the President's deficit more than the entire budget of 1965. Mr. President, that is fiscally irresponsible.

The deficit estimate for this fiscal year is \$48.5 billion over what Congress passed as its deficit for this fiscal year. That is fiscally irresponsible.

Mr. President, 7 of the 12 fiscal year 1992 appropriations bills that have come out of the Appropriations Committee and have passed on this floor have been over budget. I believe that is fiscally irresponsible. There is a reason we have this burden of debt draining the American people. This is the reason our economy is becoming stagnant. It is because of the fiscal irresponsibility of this Congress.

I want to be specific because I think in any honest debate we ought to be specific. It allows Members to share views, to correct misimpressions, and I think that is the essence of a democratic exchange.

Mr. President, according to figures from the Office of Management and Budget, the fiscal year 1992 Interior appropriation bill was \$505 million over budget. That is \$505 million over the revised 602(b) allocation. I believe that is irresponsible.

The fiscal year 1992 Labor-HHS Education appropriation bill was \$732 million over budget. That is fiscally irresponsible.

The fiscal year 1992 legislative branch appropriation bill was \$27 million over budget. That is irresponsible.

The fiscal year 1992 Rural development and agricultural appropriation bill was \$48 million over budget. I believe that is fiscally irresponsible.

The fiscal year 1992 Transportation appropriation bill was \$6 million over budget. That is fiscally irresponsible.

The fiscal year 1992 Treasury and Postal Service appropriation bill was \$195 million over budget. I believe that is irresponsible.

The fiscal year 1992 VA-HUD and Independent Agencies appropriation bill was \$224 million over budget. I believe that is irresponsible.

The total of these appropriations bills was \$1,419,000,000 over budget, our own budget that called for huge increases in spending. We exceeded even our own budget that was billions of dollars over what the President recommended. I believe that is fiscally irresponsible.

My charge of fiscal irresponsibility for this Congress was based on solid facts that are documented by the obligations for which every American is liable.

Mr. President, the staff of this Congress is nine times larger than the staff of any deliberative body in the world. That figure is from the latest study conducted by our own staff at CRS.

I must say speaking personally that for us to have a staff that is nine times

larger than any country in the world is not just fiscally irresponsible, it is an embarrassment to this Nation, and it sets a bad example. It sets an example of irresponsibility that is mimicked in every appropriation bill that comes to the floor. If we are not willing to do our part, if we are not willing to stand up to the problems, if we are not willing to demonstrate some leadership in our own budget, how can we expect anyone in this country to bite the bullet.

Mr. President, earlier in the year I offered an amendment to the Senate rescission bill, S. 2403. My amendment would have saved \$61 million. These were rescissions that the President had proposed. These were projects that by and large had not been subject to hearings, were not authorized and were not competitively awarded. The projects involved things like mink research, mesquite and prickly pear program, low bush blueberry research, research and training facilities—a wide variety of programs totaling \$61 million.

When I offered that amendment, I do not recall a single Member coming to the floor to say these were great projects, that they would benefit the Republic and help our Nation, or would make us more productive and creative. Perhaps they did. But I did not hear any Member come and defend this spending. This spending is fiscally irresponsible.

The amendment was defeated, not by a huge vote, but it was defeated. To fund projects that are an embarrassment, that Members will not even defend on the floor of this body, now that is fiscally irresponsible.

Mr. President, we did not create this mountain of debt, this awesome debt that threatens the future of our very Nation because Members of this body did their job. We created it because they did not do their job. This terrible burden for our children and our grandchildren came about because people vote for overspending, for breaking the budget, for embarrassing programs in huge legislative appropriations bills—programs that cannot stand the light of day.

I have yet to hear a Member come to this floor and tell me why it makes sense for us to have a \$1 billion loan program to subsidize tobacco farmers—and we still have it—while at the same time, we have a program at Government taxpayer expense to urge people not to use a product we have subsidized. I believe that is irresponsible.

Mr. President, I speak for myself only. I want to see Israel survive. I favor the aid to Israel, but I do not see how anybody can justify aiding both sides. We buy weapons for Egypt to counter the weapons we bought for Israel, which were meant to counter the weapons we bought for Egypt. If we picked a side, we would have a couple of billion dollars. That is fiscally irre-

sponsible. It is a function of trying to please everybody, of trying to acquire votes by handing out the public treasury. I believe that is fiscally irresponsible.

Others may object, they may disagree but, Mr. President, as artfully as the message is worded on my part, the solution is not to shoot the messenger or to misrepresent what that messenger said. The solution is to look at the problem itself.

Mr. President, much has been said on this floor about who is responsible for this, and I want to discuss the details because I think it is an integral part of saying who is and is not responsible.

The Constitution of the United States is very clear. Its preamble provides the following:

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The blessings of liberty to ourselves and our posterity, Mr. President. Are the blessings of liberty to our children, our grandchildren, our great grandchildren, and our great-great-grandchildren, going to be a \$4 trillion debt or an \$8 trillion debt, or a \$20 trillion debt?

The very purpose for which we established the Constitution cries out in shame that we would burden generations with what we have done. How can we secure the blessings of liberty to our children and grandchildren when we have left them a heritage of this kind?

Mr. President, the responsibility and the authority under the Constitution could not be more clear. Let us take a look at article I, section 1. It provides specifically:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Mr. President, the Constitution is clear that we are the ones responsible. This provision of the Constitution could not be more clear. It grants Congress the exclusive power to legislate. The President, indeed, has the power to recommend legislation and he has the power to veto, but the authority to legislate is exclusively Congress'.

The Constitution, more specifically than that, in article I, section 9, clause 7, provides that:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Mr. President, the Constitution is not vague on this subject. It is our responsibility. No money can be spent except by appropriations made by law. That is what the Constitution clearly states.

It is not by the President, it is not by the Supreme Court, it is not by all of the people we blame. It is by us, the Congress. This is an exclusive power.

The Constitution provides specifically that we have "the Power to lay and collect Taxes, Duties, Imposts and Excises." It is in article I, section 8, clause 1. It is there specifically and clearly.

We are the ones with the ability to raise taxes and oppose them. Article I, section 8, clause 1 states this.

The PRESIDING OFFICER. The time of Senator has expired.

Mr. BROWN. Mr. President, I ask unanimous consent for an additional 10 minutes to complete my statement.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I will not object, but I ask unanimous consent for an equal amount of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I also ask unanimous consent for an amount of time equal to the time that the Senator has already used.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Article I, section 8, clause 2 of the Constitution says we have the power "To borrow money on the credit of the United States." That power is not with the President or the Court, but with the Congress.

Some in this Chamber may blame others. But, Mr. President, it is not the people who got us into this. It is not the President who got us into this. It is us. It is Congress. It is the House and the Senate who specifically have the power and who have done this to our people.

Mr. President, the question that is before us is quite simply this: What are we going to do about it? I have proposed specific changes in our spending patterns that I stand behind. They are tough, but I believe we can do it.

And most importantly, I advocate a balanced budget amendment to the Constitution. It is very simple and very direct. The amendment states that you cannot spend more than you bring in. I do not mean to oversimplify it. It is going to be difficult, but I think this country can do it. If we are going to have a future for our children and grandchildren, we can do it.

Some have suggested that Congress is the one that ought to do it, ought to be the ones to handle it. But, Mr. President, we have tried that. That is how this mountain of debt came about—it is Congress' doing. Congress cannot help itself. It cannot change. Some have suggested that it takes experience to find the right way to lead this country.

Mr. President, experience is one thing, but the truth is that we need a change. Changing the fundamental rules of the game is quite simply a con-

stitutional amendment for a balanced budget. There is no real option. The only other option is to destine this country and our children and grandchildren to economic oblivion—with a runaway, wasteful public spending—which this Congress has engaged in.

A great historian, Sir Alex Fraser Tytler, a Scottish professor who lived from 1742 to 1813, wrote these words in 1801 as part of a lecture:

A democracy cannot exist as a permanent form of government. It can exist only until the voters discover that they can vote themselves largesse from the public treasury. From that time on, the majority always votes for the candidates promising the most benefits from the public treasury, with a result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship.

Mr. President, the issue before us is quite clear: Are we going to bring an end to the runaway deficit spending that threatens our very future?

This Senator did not come to this Chamber to be intimidated. This Senator did not come to this Chamber to trade votes. This Senator did not come to this Chamber to sell out the future of this Nation for more deficit spending.

The future of the Nation is more important than that. We are either going to get this deficit giant under control with a balanced budget amendment or we are going to see the future of economic enterprise in America go down the drain. That is what is before us today. That is what is in this constitutional amendment.

I believe that is more important than anyone's career. I believe it is more important, much more important, than any reason any of us are here. It is more important than any special spending you can have for your own State. It is the very future of our country, our economy, and our democracy.

I do not intend to be silenced. I do not intend to back down. I do not plan to give up my right to stand up and fight.

Mr. President, I do not think the people of Colorado or the people of this Nation want us to. I think right now the electorate, the people of the State of Colorado, and the people of this Nation, want a U.S. Senate that will stand up to the issue and correct the problems. They are tired of the old politics. They are tired of log rolling. They are tired of the runaway spending. They want answers and a solution. That is why I support the balanced budget amendment to the Constitution.

Mr. President, that is why I am going to stay here and fight for it.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I thank the distinguished Senator from Colorado. He

gave me a call about 5 minutes before he came to the floor and said he was coming to the floor to respond to my remarks, and obviously he has put a good deal of preparation into his response.

I welcome the opportunity to hear his response.

Mr. President, the distinguished Senator implies that I misrepresented what he said on yesterday. I did not misrepresent what he said. I indicated in the RECORD last night that what I was saying was not precisely what he said, but essentially that he was saying that this is the worst Congress in history and the worst Appropriations Committee in history. I did not claim that I was precisely quoting the Senator. He knows that. He read that in the RECORD this morning. He knows that. He now says that he did not say yesterday that it was the "worst" Appropriations Committee in history, but rather that it is the most "irresponsible" Appropriations Committee in history. Is that right?

That is even worse. It is one thing to say that this is the "worst" Appropriations Committee in history. But when he says it is the most "irresponsible" Appropriations Committee in history, that is even worse.

I should think that the Republican Members—and there are 13 of them on that committee—ought to take umbrage with that statement. They may not say so, but those Republican Members on that committee work hard and they think they do a good job, and they do, and I am sure they think that the committee does a good job.

We have a nice audience now in the Press Gallery. I am glad that we do have a good audience. I wish we would have had it all day long yesterday when we were talking about something that was much more important than this little bit of tit for tat that is going on here, apparently. But anyhow, that is not for me to tell the press what to listen to or what not.

May I say to the distinguished Senator I think that the statement that the Senator has made—I have been in this Senate 34 years and in the House 4 years. I think that is as irresponsible a statement as I have ever heard in my 34 years in the Senate. I think that it is absolutely irresponsible to stand and make that kind of a charge against the Appropriations Committee.

So I say that to the distinguished Senator from Colorado. That is the most irresponsible statement that I can remember ever having heard in my 34 years in the Senate.

He says that nobody is going to make him back down. I do not expect the Senator to back away from his position on the balanced budget amendment. He has a right to that position. I admire Senators who stand up for what they believe with respect to the balanced budget amendment to the Constitution. I believe differently.

I know that there are Senators in this body who sincerely believe, and I do not question the Senator's sincerity in believing that such an amendment is the answer. There are others who, I do not believe, are as sincere as that. I think they know better for one reason or another but that they will support it anyhow. That is neither here nor there at the moment.

Last night I said I might put the Senator's letter in the RECORD. I did not do it. But now that he continues down this path in talking about the Appropriations Committee in such terms, I will read his letter into the RECORD.

Senator ROBERT C. BYRD:

DEAR ROBERT: As you review requests for funding during the formulation of the FY93 Interior Appropriations bill, I would appreciate your consideration of two Colorado projects.

These are not "irresponsible" projects at all, and I said last night they would be considered. They will be.

The Forest Service has the opportunity to purchase 18,761 acres of inholdings within the Roosevelt National Forest from Union Pacific. Total cost of the acquisition is \$3.5 million. This acquisition is the number one priority of the Rocky Mountain Region of the U.S. Forest Service and is included in the President's budget.

Union Pacific's holdings are intermixed in a checkerboard pattern with sections of National Forest land which has made management of the Roosevelt National Forest difficult at best.

He goes on in support of that request.

The second project which I'd like to bring to your attention would add 5,014 acres to the Arapaho—

I hope I am pronouncing that word correct; if I am not, the Senator can correct me—

National Wildlife Refuge. \$1,145,000 is needed to purchase 2 properties that are part of the Stelbar Ranches in Jackson County, Colorado.

I will not read further. I will at the end of my remarks ask that the letter be put in the RECORD.

The Senator also, as I said last night, cosigned other letters requesting appropriations which do not benefit Colorado only but which also benefit other States in the region. And those requests would add to a total increase of \$13.245 million above the budget.

I do not know what requests the Senator has made of other subcommittee chairmen, but I assume he will make other requests as well.

I merely say these things to point out that the Senator himself is not above making requests of this "irresponsible" Senate Appropriations Committee.

But, Mr. President, it seems to me it comes with poor grace to refer to the Appropriations Committee as the most irresponsible Appropriations Committee in history and then come to the Appropriations Committee and want appropriations. If I felt that way about this "irresponsible" Appropriations

Committee I would not ask it for anything.

The Senator said he will not back down in supporting a constitutional amendment. Of course he will not. Why should he back down if he believes in a constitutional amendment on a balanced budget? Nobody would expect him to back down in his support. No one is talking about his backing down. I hope we have not gotten to that point.

If we have, I say, "Lay on, Macduff, and damn be him who first cries out enough."

Mr. D'AMATO. Mr. President, point of order.

Mr. President, let me say, I do cry out "enough." I will tell you why. I have great respect for my colleagues here. I understand, and I get emotional and carried away. And we fight for things that we think are important, and we should.

But let me refer to the Standing Rules of the Senate, page 18, Senate Manual, October:

No Senator in debate shall, directly or indirectly, by any form of word, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

I am simply going to make a point that this is out of order, and that we are not doing this body any good by this.

Mr. BYRD. Mr. President, I ask for the regular order. I know enough about—

Mr. D'AMATO. I raise a point of order—

Mr. BYRD. I know enough about the Senate rules that I have not violated rule XIX.

Mr. D'AMATO. I ask the—

Mr. BYRD. The Senator can just—

Mr. D'AMATO. I have raised a point of order. I want a ruling from the Chair, because I think the Senator now has gone beyond what is provided for by the rules.

The PRESIDING OFFICER. Regular order—

Mr. BYRD. Well, the Senator should let the Chair rule—

Mr. D'AMATO. I would ask the Senator not refer in that manner to this Senator.

Mr. SASSER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator has a right to raise a point of order. The point of order is not sustained. From now on, Senators will confine their debate to the rules, and I will read from the rules:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I thank the Chair.

In my service in 34 years here, this is the first time that any Senator has attempted to call me out of order on the basis of rule XIX. I very well know what rule XIX says and what it means. I did not impute to the Senator from Colorado any conduct unworthy of the Senator. I said that his statement was the most irresponsible statement—and I say it again—that I have heard in my 34 years in the Senate. If that is the imputing of conduct unworthy of a Senator, then what about his statement concerning 29 Members of the Senate on the Appropriations Committee of whom—

Mr. BROWN. Will the distinguished Senator yield for a moment?

Mr. BYRD. Of whom 13 are Republicans?

No, I do not yield at the moment. I did not interrupt the Senator. I do not yield at this point. I will be glad to later.

Mr. President, I regret that it has come to this. The Senator also today, I think, indicated that I said that he said that it was a "lousy" committee. I did not use that word in quoting the Senator. I said last evening in a facetious manner, that he should invite into his office the Republican members of the committee, offer them some coffee, perhaps some tea and cookies, and tell them what a lousy committee they serve on.

That was not his word. The Senator did not use the word "lousy." I did. I said, "Tell the Senator I smiled when I spoke."

I am sorry that this has deteriorated into this kind of debate. I do know if I had said that about the Appropriations Committee, I would not ask it for anything. Furthermore, I would apologize to that committee. I am not asking the Senator to apologize. I doubt that he feels that he ought to. I doubt that he would apologize. But I would, if I said that about any committee.

I still stand by my statement, just as well, that that is the most irresponsible statement that I have heard in 34 years in the Senate.

Now, let me say to the distinguished Senator that I think the committee has done a pretty good job. I think Senator DOMENICI, who is a member of that committee, feels it has done a pretty good job. I think the other members do. Here we have only 13 percent of the total budget, other than defense, that that committee has control over.

Counting the mandatory items and the entitlements, and interest on the public debt, all of which constitute about 68 percent of the total budget; of the remaining 32 percent over which the Appropriations Committee has control, only about one-eighth of the total budget is domestic discretionary. That is all we have.

Here is the chart. Net interest, 13.2 percent; Medicare, 5.4 percent; Social

Security, 22.99 percent; deposit insurance, 3.2 percent; "all other," 8.22 percent; mandatory and entitlements, 15.2 percent. And then the rest is discretionary spending, domestic, and defense. And those two total 12.7 and 19.2, respectively, which is 31.9 percent.

That is all we have. And then taking defense away, as I say, we have only 12.7 percent. Now, that is our part of the budget. That is where we get our moneys for parks and to buy additional lands and to fund welfare and education and water and sewer projects, and so on—all of those items that are glibly called "pork." However, they really constitute infrastructure—that is what has been starved in this budget for many years.

Now, the Senator said that Congress is responsible for the deficit. Let us talk about Mr. Bush and his responsibility. I quoted last night the total amounts requested by the Presidents of the United States from 1945 through 1991. I can quote them again here, but I will not take the time.

Suffice it to say that, including all of the regular annual, supplemental, and deficiency appropriation acts, a comparison of the Presidents' budget requests with the enacted appropriations over those years, 46 years, the Congresses have appropriated \$188,769,229,364 less than all of the Presidents combined have requested during those years. That looks pretty good, I would say. I would say Congress has done very well.

And if we want to just refer to the 8 years under Mr. Reagan, Congress appropriated \$16,147,670,001 less than Mr. Reagan requested in 8 years.

What I am saying is, the Congress has appropriated moneys less in total amounts than the Presidents have requested. And here is the entire—here is the chart blow up.

So, under Mr. Reagan—let me make sure I got that right—\$16,147,670,001.

Now, the distinguished Senator quoted the Constitution and he quoted it accurately. But Senators should also know that we have the 1921 Budget and Accounting Act. What does it say?

Title II, The Budget. And I read therefrom:

Section 201. The President shall transmit to Congress, on the first day of each regular session, the budget, which shall set forth in summary and in detail estimates of the expenditures and appropriations necessary, in his judgment, for the support of the Government for the ensuing fiscal year, except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year.

So on and so on.

Let us get down now to section 202(a):

If the estimated receipts for the ensuing fiscal year contained in the budget on the basis of laws existing at the time the budget

is transmitted plus the estimated amounts in the Treasury at the close of the fiscal year in progress available for expenditures in the ensuing fiscal year are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President, in the budget, shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

Now, there is a responsibility that the President has, as spelled out in the 1921 Budget and Accounting Act. That act has been brought up to date—there is a reprinting, it has been updated, as amended.

But, clearly, the President has a clear responsibility here. The 1921 Budget and Accounting Act requires the President to submit a budget every year. And I have just read to Senators the requirement in that act which places the burden on the President to make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiencies where the estimated receipts for the ensuing fiscal year are less than the estimated expenditures.

That is the President's responsibility. Why does he not send up a budget that is balanced? Why does he not make those recommendations? It is in the law. Where does his responsibility begin and end? He submits the budget and should make the recommendations required by the act.

There is enough blame to go around. I am not saying that Congress is not wasteful. I am not saying that it does not appropriate moneys that are sometimes wasted. But let us also include the President—include the Presidents, plural. It is not just the Congress. And that is what I am saying with respect to the balanced budget amendment. If we adopt the balanced budget amendment, the buck does not stop down at the President's desk. Constitutional amendments do not go to the President's desk. He does not have the opportunity to veto or to sign them. They go right by his desk. They do not stop and salute.

So we let him off the hook with a constitutional amendment. The President who, under the Budget and Accounting Act of 1921, has a responsibility to send up a budget and if the estimated receipts are not up to the estimated expenditures, he, the President, has a responsibility to make recommendations to Congress for new taxes or loans or other appropriate actions necessary to meet the estimated deficiencies. That is what I am saying.

Let us not adopt a constitutional amendment here which will be a mere piece of paper and which, at best, would not take effect until the second fiscal year after its ratification, or 1998, whichever is later, which means it will be 1998 or 1999 or the year 2000, possibly even 2001 before becoming effective.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Chair must point

out the time of the Senator has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may have, if he wishes, 2 additional minutes and that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I want to thank the distinguished Senator from West Virginia for the 2 minutes and for his remarks.

There are a few quick points I would like to make. No. 1, I must say I agree wholeheartedly with the distinguished Senator's evaluation of Senator DOMENICI from New Mexico. I believe he is not only a great asset to his State but to this Senate and has played an outstanding role in trying to bring reason to this budget process. We agree on that.

No. 2, Mr. President, I think I ought to note also that it is not I who have brought names into this. As I read the Senate rules, they do not permit you to specifically name Senators, and I have not. None of the names of members on the Appropriations Committee that have been mentioned were mentioned by me. I would not do so because I do not believe, one, that many of them bear responsibility here, or two, that it is appropriate.

No. 3, Mr. President, as I read the Senate Appropriations Committee report on the 602(b) allocations, it indicates an estimated \$527.5 billion in discretionary outlays in fiscal 1992. That is more money than the Appropriations Committee has ever had to spend in discretionary outlays in the history of this country. It has not decreased. It has increased.

It is, incidentally, five and a half times as much as the entire Federal budget outlays in 1945, when we hit the peak of World War II spending.

Last, Mr. President, I would merely point out I believe the time has come to talk about answers. Indeed, the distinguished Senator from West Virginia is right that there is enough blame to go around for everyone. I think what we have to do is face up to the fact that Congress has not done its job, is unable to do its job, and we need a balanced budget amendment to the Constitution.

Mr. BYRD. Mr. President, I will not belabor this argument. It gets down to splitting hairs.

The Appropriations Committee and every subcommittee thereof, every year since I have been chairman of that committee, has stayed within the allocations to the committee and to the subcommittees as required in the budget resolutions. The Senator from Colorado votes on the budget resolution. The Senator from Colorado votes on the appropriations bills that come to the floor. He has an opportunity to vote for or against those bills. He has

an opportunity to offer amendments to those bills.

When the rescissions bill was brought to the floor recently, the junior Senator from Colorado voted against that bill, the bill rescinding earlier appropriations. My examination of the RECORD shows he voted against it. He voted for the conference report, but he voted against the Senate bill. That was the opportunity to vote for spending cuts which the Senate made in excess of those that were requested by this President.

Mr. President, with respect to the Senator's reference to the floor remarks he made on February 26 when he introduced S. 2265 during which remarks he claimed that he was identifying 642 projects, "all of which"—and I am quoting the Senator—

*** failed to follow the budget process, yet Congress funded them. *** The projects included in this bill met at least three of the following seven criteria:

Spending appropriated by Congress was never the topic of a congressional hearing;
Spending was not authorized;
Spending was added in conference;
Spending was not awarded on a competitive basis;

Appropriations does not relate to the legislation which funds it or the agency which administers the project;

Appropriation earmarked in violation of established congressional procedure or the process prescribed by law; and

Appropriation was for projects of purely local interest, without national or regional importance.

The Senator from Colorado said that "the three criteria most often met were that the projects were not authorized, not subject to an authorization hearing, and not competitively awarded."

Well, Mr. President, I instructed the Appropriations Committee staff to examine each title of the bill that the Senator offered, S. 2265, and I found that the claims made by the distinguished Senator from Colorado were just not accurate; not accurate.

The analysis goes on to explain in detail why they are not accurate.

I ask unanimous consent to print in the RECORD the analysis made by the Appropriations Committee staff in response to the remarks by Mr. BROWN in his statement on February 26, 1992, and I invite him to take a careful look. I hope that the statement that I am including in the RECORD will be very informative. I am sure he is sincere and concerned about the points that he raised and I am just as sincere and concerned in responding to the points that he raised.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. President, Senator Brown's Floor remarks on the day he introduced S. 2265, February 26, 1992 (page 3583 in the CONGRESSIONAL RECORD) included the following statements:

"Mr. President, common sense tells us Congress should at least review a project be-

fore it is funded. The bill I am introducing today, the Spending Priority Reform Act of 1992, identifies 642 projects totaling more than \$1.5 billion from the fiscal year 1992 appropriations bills. All these projects failed to follow the budget process, yet Congress funded them. . . .

"The projects included in this bill met at least three of the following seven criteria:

"Spending appropriated by Congress was never the topic of a congressional hearing;

"Spending was not authorized;

"Spending was added in conference;

"Spending was not awarded on a competitive basis;

"Appropriations does not relate to the legislation which funds it or the agency which administers the project;

"Appropriation earmarked in violation of established congressional procedure or the process prescribed by law; and

"Appropriation was for projects of purely local interest, without national or regional importance.

"The three criteria most often met were that the projects were not authorized, not subject to an authorization hearing, and not competitively awarded. This says something about the way Congress spends the taxpayers' money. It is time to curb the number of federally funded projects which receive funding although they do not follow the budget rules and procedures."

Mr. President, I have examined each title of S. 2265, and I find that the claims made by the distinguished Senator from Colorado are just not accurate. First, the Senator's statement that "all these projects failed to follow the budget process . . ." is just not correct. The Senator did not specify what part of the budget process all of these projects failed to meet. Perhaps he would see fit to enlighten the Senate by providing more specificity as to what he meant. If the Senator meant that these projects failed to follow the budget process because they were not authorized, I disagree. In the first place, many of these projects were, in fact, authorized. I will lay in the RECORD, title by title, which of these projects were authorized and I will include the statutory authorization for them.

On this issue of "lack of authorization," as Senators are aware there are many programs each year which lack authorization, but for which funding must be provided. In fact, for Fiscal Year 1992, the following programs are among those that had no authorization. The President requested appropriations and the Congress responded, yet the Senator from Colorado does not include them in his proposed legislation. In the majority of the cases appropriations were required for the orderly functioning of the government:

Salaries and expenses for the Department of the Treasury;

The Federal Law Enforcement Training Center;

The Bureau of Alcohol, Tobacco and Firearms;

The United States Mint;

The United States Secret Service;

Within the Internal Revenue Service: Administration and management, Processing returns, Tax law enforcement, and Information systems.

Many offices within the Executive Office of the President—including the Executive Residence at the White House, Special Assistance to the President, the Council of Economic Advisors, and the Office of Management and Budget

The National Archives;

The Federal Trade Commission;

The Federal Communications Commission;

The Securities and Exchange Commission;
The Minority Business Development Agency;

The United States Travel and Tourism Agency;

The Export Administration;

The International Trade Administration;

The Federal Bureau of Investigation;

The Drug Enforcement Agency;

Salaries and expenses for the U.S. Attorneys; and,

The Immigration and Naturalization Service.

Paragraph 7 of Senate Rule XVI requires that Committee reports on general appropriations bills identify each Committee amendment to the House bill "which proposes an item or appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

Appropriations Committee reports are required to comply with paragraph 7 of rule XVI. In so doing, Committee reports on all 13 regular appropriation bills identify unauthorized appropriations. Members were then able to determine for themselves whether to offer amendments to modify or to strike such unauthorized items from each appropriation bill.

In addition, paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

The point I am making is that the Senate Rules recognize that appropriations bills which come before the Senate may contain unauthorized items and may contain provisions which have the effect of repealing or modifying existing statutes. The Committee reports accompanying these appropriations bills are required to set out such provisions for Senators to see. All Senators had available to them, prior to Senate consideration, the Committee reports on every Fiscal Year 1992 appropriation bill and had an opportunity to offer amendments to strike the items contained in S. 2265 during Senate debate on each bill.

An amendment was offered, for example, on the Fiscal Year 1992 Transportation Appropriation Bill by Senator Smith, the distinguished Senator from New Hampshire, to strike the highway studies and demonstrations contained in the Committee-reported bill and then redistribute the funds to the states by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

The proponents of S. 2265 could say—yes, I do have a chance to offer amendments during Senate debate on the Senate bill as reported by the Appropriations Committee, but when the bill comes out of conference, it often contains items which were not in the Senate-reported bill but were added in conference. To that argument, my response is that this is always the case on any legislation—not just appropriation bills. In conferences, the House insists on its positions and those issues in conference are worked out. Compromises are reached, and the House position prevails on some issues and the Senate posi-

tion prevails on others. But, unlike conference agreements on most authorization bills, appropriation conference agreements almost always include amendments in disagreement which are taken up separately by the Senate and which, therefore, offer Senators an opportunity to offer amendments. Such amendments can be crafted to reach any item in the conference agreement.

Of the rescissions proposed in S. 2265, all except the DOD conference agreement were reported to the Senate with amendments in disagreement. Therefore, any Senator could have amended the conference agreements on Agriculture, Commerce/Justice/State, Energy and Water, Interior, Transportation, Treasury/Postal Service, and VA/HUD.

Contrary to the statements made by the distinguished Senator from Colorado, Mr. Brown, the budget process was followed for the items contained in S. 2265. Senate Rules XVI and XXVI regarding lack of authorization or changes to authorizations were followed. Senators had available to them all of these projects and programs prior to Senate consideration of each of these appropriation bills and amendments could have been offered to all of these conference agreements, except defense, to strike any or all of these items.

Let us now look more closely at each of the titles of S. 2265.

Title I—Agriculture Appropriations. Pages 3 through 7 of S. 2265 list a large number of special research grants for which funds were provided in the conference agreement for Fiscal Year 1992. At the bottom of page 3, S. 2265 states that "the amounts listed in subsection (c) are set aside for special research."

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BYRD. Mr. President, I ask for 1 more minute and then I will not delay the Senator further.

Mr. DOMENICI. Was I recognized? I would just like to yield to the Senator so I will get the floor.

Mr. BYRD. Yes.

Mr. DOMENICI. I yield a minute to my friend.

Mr. BYRD. I thank the Senator. The distinguished Senator from Colorado spoke of the staff resources of the Senate. I do not recall his exact words. It was something to the effect that we have a larger staff than does any other industrialized nation in the world, or some such.

Let me just say this in response thereto.

In the Senate, let us compare with the staff resources available to the executive branch, and that comparison might prove to be instructive. In the Senate, for example, we have approximately 150 staff on the Appropriations and Budget Committees. In the executive branch, there are 12,442 budget personnel, with 561 in OMB alone. In 1985, the last year for which data are available, according to the General Accounting Office, there were about 6,000 public affairs personnel and about 2,000 staff in congressional affairs offices in the executive branch. And we have only 82 in the Senate Appropriations Committee.

These are our little staffs compared with the army of staffs in the executive branch with which our staffs and we in the Congress have to deal. Imagine an appropriations staff of 82 that has to think about all of our appropriations items when they have to face up against the thousands of budget personnel in the executive branch. The comparison shows quite a contrast, Mr. President.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

grants provided by the Secretary of Agriculture under section 2(c) of the Act of August 4, 1965 (7 U.S.C. 405i(c))." The top of page 4 of S. 2265 states that "the grants were (A) not authorized; (B) not awarded on a competitive basis and (C) not the subject of congressional committee or subcommittee hearings".

What I have just read is internally contradictory. The proposed legislation cites the authorizing statute in Section 101(a)(1) and then in Section 101(a)(2)(A) states that the programs are not authorized. To the contrary, these research grants are authorized—by the provisions of 7 U.S.C. 450i(c), which reads as follows:

"(c) SPECIAL GRANTS.—(1) The Secretary of Agriculture is authorized to make grants, for periods not to exceed five years—

"(A) to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States; and

"(B) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.) and accredited schools or colleges of veterinary medicine for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research programs that—

"(i) promote excellence in research on a regional and national level;

"(ii) promote the development of regional research centers;

"(iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research grants; and

"(iv) facilitate coordination and cooperation of research among States through regional research grants."

Furthermore, there is no requirement in the authorization statute that these special research grants be awarded on a competitive basis. Section 450i(b) authorizes competitive grants but subsection (c), which authorizes special grants, contains no such requirement.

Finally, the amendment which appropriated the funds for all of these special research grants came out of conference as an amendment in disagreement. It was there for all to see; it was available for any Senator to move to strike any or all of these projects. Where was the Senator from Colorado when the Agriculture conference agreement was taken up and passed by the Senate? Why didn't he move to strike these projects at that time?

Title II—Commerce/Justice Appropriations—Subtitle A. This subtitle contains rescissions of two items under the heading "State and Local Law Enforcement Assistance Grants". One item is a \$500,000 one-time grant to the National College of District Attorneys which will allow them to move into a permanent facility with the latest technology.

The other item in subtitle A of Title II is a \$700,000 rescission of an appropriation for a grant to SEARCH Group, Inc. for continued support to state and local criminal justice agencies to improve their use of computers and information technology.

The first item, namely the \$500,000 appropriation for the National College of District Attorneys, came out of conference as an amendment in disagreement. Therefore, any Senator could have moved to strike this appropriation. The SEARCH grant was contained in the Senate Committee-reported bill and was subject to amendment.

Subtitle B—Department of Commerce Appropriations. Pages 9-19 of S. 2265 contain a list of rescissions for various projects for which appropriations were provided to NOAA, to the National Ocean Service, the National Marine Fisheries Service, for oceanic and atmospheric research, etc. Without going over each item in this list, it should be noted that all items were reported out of conference as amendments in disagreement and, therefore, were subject to further amendment during Senate consideration of the conference agreement.

It is interesting to note that the distinguished Senator from Colorado, Mr. Brown, did not include in his list of NOAA rescissions the \$600,000 unbudgeted earmark which is set forth on page 43 of the Statement of Managers for the support of the NOAA "PROFS" weather research and development laboratory in Boulder, Colorado. Similarly, the conference agreement contained a \$3.4 million add-on for the NOAA wind profiler radar network. This program is managed in Boulder, Colorado. That item is also listed on page 43 of the Statement of Managers.

Both of these unbudgeted increases which go to Colorado are set forth in the Statement of Managers on the same page as are the items that S. 2265 would rescind. Yet, these two items which benefit Colorado are not listed for rescission.

Subtitle C of Title II of S. 2265 lists a number of rescissions of SBA grants, five of which first appeared in the Senate Committee reported bill. The others were included in conference at the insistence of House conferees. All of these items came out of conference as an amendment in disagreement and, therefore, were subject to amendment by any Senator.

Title III—Department of Defense Appropriations. Title III of S. 2265 contains rescissions of items which were funded in the Fiscal Year 1992 Department of Defense Appropriation Act. Since the DoD conference agreement included no amendments in disagreement, Senators had no opportunity to strike these items. The Senate did, however, debate at some length these same items during the debate on the adoption of the conference report, which ultimately passed by a vote of 66-29. So the Senate, in fact, worked its will on the Department of Defense conference report after having fully debated the issues.

Title IV—Energy and Water Development Appropriations. Title IV of S. 2265 lists a number of rescissions of appropriations funded by the Fiscal Year 1992 Energy and Water Development Appropriation Act. A number of these projects were, in fact, authorized and all of them came out of conference in a form that

allowed any Senator to offer an amendment to strike them.

Title V—Interior and Related Agencies Appropriations. Title V of S. 2265 lists rescissions of projects and activities funded in the Fiscal Year 1992 Interior and Related Agencies Appropriation Act.

Section 501(a) reads as follows:

"FINDINGS.—Congress finds that—

(1) the amounts listed in subsection (c) are set aside for projects for operation of, and construction in, the National Park system; and

"(2) the projects were—

"(A) not authorized;

"(B) not awarded on a competitive basis;

"(C) not the subject of congressional committee or subcommittee authorization hearings. . . ."

Contrary to the language just read, the projects identified in Section 501(c)(1) as items (A) through (K) are for technical and cooperative assistance to various organizations throughout the country. The National Park Service is generally authorized to provide technical assistance to non-Federal entities for the purposes of enhancing historic preservation, recreation, tourism, and other matters. Consequently these specific studies are not required to be authorized. Much of the work is done cooperatively by the Park Service in conjunction with local sponsors.

In addition, items A, E, M, N, O, Q, R, S, T, U, V, and W are all either on the national register or are included in a historic district. That being the case, they are authorized by the Historic Sites, Buildings, and Antiquities Act of 1935. Section 2(f) of that Act authorizes the Secretary of the Interior to ". . . restore, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance", and where deemed desirable, establish and maintain museums in connection therewith.

With respect to the Fish and Wildlife Service projects identified in section 502, similar criticisms as used against the section 501 projects are levied. Namely, that the projects were not authorized, awarded on a competitive basis, the subject of hearings, or were first added in conference. The authorization for the FWS is rather broad, and construction of facilities, which is what all four projects in section 502 involve, is authorized ". . . for facilities required in the conservation, management, investigation, protection and utilization of sport fishery and wildlife resources . . .". The National Wetlands Center funds are to equip a newly-constructed replacement FWS building (funded in prior appropriation acts) and conduct the move into the building.

Section 503 proposes to rescind funding earmarked for three different programs—one in Vermont for \$100,000, one in Idaho for \$90,000, and one in West Virginia for \$150,000. All three earmarks are associated with the Forest Service's fulfillment of its statutory responsibilities under the National Forest Management Act, the Multiple Use Act, and the National Environmental Policy Act. Specific authorization is not needed on a study-by-study, or program-by-program basis.

The Fiscal Year 1992 Interior Conference came to the Senate with 97 amendments in disagreement, any one of which could have been amended by any Senator to strike items or to modify the conference agreement.

Title VI—Transportation Appropriations. Title VI of S. 2265 contains rescissions of funds provided in the Fiscal Year 1992 Transportation Act. It should be pointed out that

all of the Senate highway projects which S. 2265 would rescind were included in the Senate Committee-reported bill and report and, therefore, were subject to Floor amendments to strike them. In fact, as I stated earlier, Senator Smith of New Hampshire offered an amendment to strike the funding for all highway demonstrations and studies and redistribute those funds to the states by formula. His amendment was tabled by a vote of 84 yeas to 14 nays.

Title VII—Treasury/Postal Service Appropriations. Title VII of S. 2265 contains rescissions of funds provided by the Fiscal Year 1992 Treasury/Postal Service Appropriation Act. All of these items identified in Title VII came back outside the conference report as one entire amendment in disagreement on GSA building projects and could have been further amended by any Member on the Senate Floor. In addition, Amendment Number 81, which also came back in disagreement, subject to amendment, contained legislative language exempting all of these projects from the prospectus approval process which is currently done by the authorizing committees. Therefore, an argument could be made that any Senator could have amended these provisions when the conference report was considered by the Senate.

Title VIII—VA/HUD and Independent Agencies Appropriations. Title VIII of S. 2265 proposes rescissions of items funded by the Fiscal Year 1992 VA/HUD and Independent Agencies Appropriation Act. Of these items, 127 are rescissions of appropriations for assisted housing. All of these items were set forth in the Statement of Managers and were incorporated by reference into the Fiscal Year 1992 VA/HUD Appropriation Act (P.L. 102-139). This was done by Amendment Number 35, which was reported out of conference as an amendment in disagreement. This made it possible for the distinguished Senator from Colorado or for any other Senator to propose the elimination of these projects.

In closing, Mr. President, I urge the Senator from Colorado, Mr. Brown, to use a little more care in his preparation of rescission bills such as this one. The state that these programs and projects were not authorized is for the most part not accurate; to state that the budget process was not followed is not accurate; and as I have pointed out, the Senator for Colorado had ample opportunity to offer amendments to all of these Conference Agreements (except defense) to strike these items.

REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATION ACTS COMPARISON OF BUDGET REQUESTS AND ENACTED APPROPRIATIONS

| Calendar year | Administration requested | Enacted appropriations | Difference under (-)/over (+) |
|---------------|--------------------------|------------------------|-------------------------------|
| 1945 | \$62,453,310,868 | \$61,042,345,331 | -1,410,965,537 |
| 1946 | 30,051,109,870 | 28,459,502,172 | -1,591,607,698 |
| 1947 | 33,367,507,923 | 30,130,762,141 | -3,236,745,782 |
| 1948 | 35,409,550,523 | 32,699,846,731 | -2,709,703,792 |
| 1949 | 39,545,529,108 | 37,825,026,214 | -1,720,502,894 |
| 1950 | 54,316,658,423 | 52,427,926,629 | -1,888,731,794 |
| 1951 | 96,340,781,110 | 91,059,713,307 | -5,281,067,803 |
| 1952 | 83,964,877,176 | 75,355,434,201 | -8,609,442,975 |
| 1953 | 66,568,694,353 | 54,539,342,491 | -12,029,351,862 |
| 1954 | 50,257,490,985 | 47,642,131,205 | -2,615,359,780 |
| 1955 | 55,044,333,729 | 53,124,821,215 | -1,919,512,514 |
| 1956 | 60,892,420,237 | 60,647,917,590 | -244,502,647 |
| 1957 | 64,638,110,610 | 59,589,731,631 | -5,048,378,979 |
| 1958 | 73,272,859,573 | 72,653,476,248 | -619,383,325 |
| 1959 | 74,859,472,045 | 72,977,957,952 | -1,881,514,093 |
| 1960 | 73,845,974,049 | 73,634,335,992 | -211,638,057 |
| 1961 | 91,597,448,053 | 86,606,487,273 | -4,990,960,780 |
| 1962 | 96,803,292,115 | 92,260,154,659 | -4,543,137,456 |
| 1963 | 98,904,155,136 | 92,432,923,132 | -6,471,232,004 |
| 1964 | 98,297,358,556 | 94,162,918,996 | -4,134,439,560 |
| 1965 | 109,448,074,896 | 107,037,566,896 | -2,410,508,000 |
| 1966 | 131,164,926,586 | 130,281,568,480 | -883,358,106 |
| 1967 | 147,804,557,929 | 141,872,346,664 | -5,932,211,265 |
| 1968 | 147,908,612,996 | 133,339,868,734 | -14,568,744,262 |
| 1969 | 142,701,346,215 | 134,431,463,135 | -8,269,883,080 |

REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATION ACTS COMPARISON OF BUDGET REQUESTS AND ENACTED APPROPRIATIONS—Continued

| Calendar year | Administration requested | Enacted appropriations | Difference under (-) / over (+) |
|---------------|--------------------------|------------------------|---------------------------------|
| 1970 | 147,765,358,434 | 144,273,528,504 | -3,491,829,930 |
| 1971 | 167,874,624,937 | 165,225,661,865 | -2,648,963,072 |
| 1972 | 185,431,804,552 | 178,960,106,864 | -6,471,697,688 |
| 1973 | 177,959,504,255 | 174,901,434,304 | -3,058,069,951 |
| 1974 | 213,667,190,007 | 204,012,311,514 | -9,654,878,493 |
| 1975 | 267,224,774,434 | 259,852,322,212 | -7,372,452,222 |
| 1976 | 282,142,432,093 | 282,536,694,665 | +394,262,572 |
| 1977 | 364,867,240,174 | 354,025,780,783 | -10,841,459,391 |
| 1978 | 348,506,124,701 | 337,859,466,730 | -10,646,657,971 |
| 1979 | 388,311,676,432 | 379,244,865,439 | -9,066,810,993 |
| 1980 | 446,890,302,845 | 441,230,587,343 | -5,659,715,502 |
| 1981 | 541,827,827,909 | 544,457,423,541 | +2,629,595,632 |
| 1982 | 507,740,133,484 | 514,832,375,371 | +7,092,241,887 |
| 1983 | 542,956,052,209 | 551,620,505,328 | +8,664,453,119 |
| 1984 | 576,343,258,980 | 559,151,835,986 | -17,191,422,994 |
| 1985 | 588,698,503,339 | 583,446,885,087 | -5,251,618,252 |
| 1986 | 590,345,199,494 | 577,279,102,494 | -13,066,097,000 |
| 1987 | 618,268,048,956 | 614,526,518,150 | -3,741,530,806 |
| 1988 | 621,250,663,756 | 625,967,372,769 | +4,716,709,013 |
| 1989 | 652,138,432,359 | 666,211,680,769 | +14,073,248,410 |
| 1990 | 704,510,961,506 | 697,257,739,756 | -7,253,221,750 |
| 1991 | 756,223,264,591 | 748,262,835,695 | -7,960,428,896 |
| Total | 11,710,201,833,552 | 11,521,432,604,188 | -188,769,229,364 |

Source: House Committee on Appropriations.

Mr. BYRD. Mr. President, I yield the floor and I also thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico has the floor and is recognized for 10 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2900 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

A LONG AND LOYAL CAREER

Mr. BYRD. Mr. President, the question of Senate longevity usually focuses on the tenure of Senators themselves.

But in my more than 34 years as a U.S. Senator, I have often been impressed by the longevity reached and, more important, the loyal service provided, by a number of Senate staff members—men and women whose love for the institution of the Senate and expertise in their fields of responsibility contributes immeasurably to the efficient and effective functioning of the Senate.

One such of these staff members is currently celebrating the 40th anniversary of his appointment, and 39 years of cumulative service, to the Senate staff.

I refer specifically to Mr. Robert C. Louthian, senior counsel in the Office of the Legislative Counsel of the U.S. Senate.

Mr. Louthian is a native of Roanoke, VA, and following service in the U.S. Navy during World War II, he earned his college degree at Roanoke College.

Subsequently, Robert Louthian matriculated at the Washington and Lee School of Law in Lexington, VA, from which he graduated with his juris doctor degree in 1952.

Almost immediately, Mr. President, Robert Louthian, on July 14, 1952, won appointment as a law assistant in the Office of the Legislative Counsel of the U.S. Senate.

In 1954, Mr. Louthian was promoted to assistant counsel and in 1973, to senior counsel.

From September 1, 1980, to August 31, 1981, Robert Louthian was in private practice, but he was reappointed senior counsel here in the Senate as of September 1, 1981.

Consequently, Robert Louthian holds the admirable record of having served longer than any other individual in the history of the Office of the Legislative Counsel.

On the 40th anniversary of Robert Louthian's original appointment to the Office of the Legislative Counsel, I know that I speak for all of our colleagues in offering congratulations to him for achieving such an enviable record. I also offer to Mr. Louthian my appreciation and gratitude for the years of capable, selfless, expert, and professional service that he has rendered to this institution, to all of the Senators who have held office during his watch, and to his fellow citizens. Robert Louthian has compiled a patriotic and skillfully crafted record here on the Senate staff, and he is entitled to feel particular pride in reaching the milestone that he is now celebrating.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at \$3,941,032,496,636.62, as of the close of business on Wednesday, June 24, 1992.

On a per capita basis, every man, woman, and child owes \$15,343.17—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to \$1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to \$4,511.40 per year.

DEATH OF JENNIFER HODGES

Mr. LIEBERMAN. Mr. President, I rise today to express my sorrow over the tragic death of one of Connecticut's bravest citizens, Jennifer Hodges.

Jennifer Hodges was the assistant chief flight nurse on the Hartford Hospital Life Star helicopter. On June 20, while on a mission to rescue the victim of a motorcycle accident, Jennifer was killed when the helicopter crashed to the ground.

I am deeply saddened by this death and my heart goes out to Jennifer's family, friends, and coworkers. I know I speak for all the people of Connecticut when I say that we appreciate Jennifer's courage and selflessness. We know that her remarkable skill, fearlessness, and composure saved numerous accident victims from injury and death. Jennifer was an angel of mercy for so many people, we only wish another angel could have been there to save Jennifer.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JENNIFER HODGES, A SOLDIER IN THE COMBAT ZONE OF DAILY LIFE
(By Eric H. Gottfried)

I know that investigators are painstakingly probing the cause of the Life Star Helicopter accident that killed flight nurse Jennifer Hodges. I also know that her family, friends and co-workers are embarking on that painful inward journey psychiatrists refer to as stages of grief. And I know that other residents of Connecticut are doing what I've been doing—shedding tears over the tragic death of a woman we didn't know.

But Hodges was not a stranger. She belonged to that army of familiar, yet often nameless, soldiers who persevere in the combat zone of daily life. She was one of many people we call upon to sustain or enhance our lives. But in doing so, we also ask them to put their own lives in peril.

Do these special people understand the risk? Absolutely. But they accept the challenge anyway. Unfortunately, we sometimes get to show our appreciation of their efforts only in the form of a eulogy.

Every day, another Jennifer Hodges puts on a police uniform and fulfills our request to protect us. Around the clock another Jennifer Hodges boards a fire engine to shield us from catastrophe. Day in and day out another Jennifer Hodges enters a rescue vehicle and races against a clock that always ticks faster in emergencies. Season to season, in the midst of unpredictably merciless weather, another Jennifer Hodges scales a utility pole to untangle twisted cables so that our electricity or telephone service can be restored.

These valorous women and men who serve us represent no single race, religion, ethnic group, lifestyle or economic class. Their diversity demonstrates to us, along with the constant danger they face on the job, that every life is a precious thread in the rich fabric of society.

Hodges devoted her life to the support of all life. Her equally courageous colleagues will undoubtedly experience a renewal of their own strength and dedication through personal remembrances of her and her kind deeds. The most fitting tribute to Hodges will be her peers' continuous, compassionate service to others. People such as Hodges leave legacies of inspiration, not accumulation.

For many of us, driving across Connecticut's highways and hearing the unmistakable sound of Life Star helicopter whizzing by on a life-affirming mission will never be the same.

Because now, when we look up, instead of glancing at gleaming metal, we'll recall the face of an angel.

AFTER TRAGEDY, LIFE STAR CARRIES ON

After seven years and 9,800 hours of flight time, the odds tragically caught up with

Hartford Hospital's remarkably successful Life Star helicopter service. But true to its mission of saving lives, the program didn't falter after Saturday night's fog-shrouded fatal crash. The remaining blue and white aircraft flew missions Sunday.

Since its launching, Life Star has been requested 7,300 times and has completed more than 5,100 missions. For 96 percent of those flights, the need for what amounts to a flying emergency room was medically justified, according to state and national follow-up studies.

Further, for accident victims picked up at the scene by Life Star, hospital lengths-of-stay and hence total treatment expenses have been lower than for other severely injured people who were not evacuated by helicopter.

One of the hardest things for the Life Star crews will be to take time to mourn for flight nurse Jennifer Hodges of Rocky Hill, who died, and her two severely injured colleagues. The Life Star team, like all emergency crews, is trained and practiced to deal with other people's tragedies. The members have steered themselves to stay calm and detached, to work on instinct, to serve the injured and not think of themselves.

And Life Star will face second-guessers.

Was that flight to Meriden necessary? Life Star depends on people on the ground to evaluate the casualties and ask for help. Few such calls are wasted. In fact, it's more common—but also rare—not to call Life Star when it might be of help than to call it needlessly.

Should the aircraft have tried to land? Life Star had used that I-81 highway rest area before. Life Star had not had even minor accidents until Saturday.

An investigation by state and federal experts may uncover faults in the program or point to ways to improve it. Meanwhile, arrangements are being made for a replacement aircraft. Summer is the busiest time for saving accident victims and the state needs two Hartford-based helicopters to cover Connecticut completely.

And the family and friends of Miss Hodges, who was a member of the Life Star program's original flight crew and recently had been named assistant chief flight nurse, have set up a fund in her memory and for a job she loved. Donations may be sent to the Flight Nurse Education Program, c/o Hartford Hospital, 30 Seymour St., Hartford 06115.

BALANCED BUDGET AMENDMENT

Mr. MCCAIN. Mr. President, I have been an ardent supporter of a balanced budget amendment to the Constitution. I would like to thank Senators GRAMM, NICKLES, and SEYMOUR for bringing this important issue before the Senate for debate.

It has been an issue that has been debated since the founding of our Nation. In fact, in 1798, Thomas Jefferson raised some concerns about the Constitution. He succinctly stated:

If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of government to borrow money.

After years of deficit spending by Congress, Jefferson's prescient thought is more compelling now than it ever has been. Something must be done if we expect our children to have a fu-

ture. I feel the passage of this constitutional amendment will focus the Nation's attention on deficit reduction.

Our massive budget deficit of \$340 billion this year and a debt approaching \$4 trillion is the single most important problem facing the American people.

Four trillion dollars of debt is an impediment to a prosperous future for our children, a threat to the health and vitality of our economy, and it undermines the long-term soundness of the Social Security trust fund. Balancing the budget would mean an end to additional Government borrowing that threatens the future of Social Security and all Government programs.

Mr. President, we cannot borrow our way to prosperity.

Balancing the budget is a question of responsibility. This responsibility is not limited to mere fiscal responsibility which is extremely important in its own right.

It is more a question of responsibility as parents, grandparents, adults, leaders, and role models for our children and ourselves. Four trillion dollars of irresponsibility is a terrible legacy to leave our children. And, that legacy grows exponentially every day we as a nation continue on our dissolute way.

It is unconscionable to deny our children a prosperous future. The present generation of Americans may be the first generation to realize a declining standard of living through no fault of their own. We bequeathed it to them. Every child born today inherits a terrible legacy—a \$16,000 share in our debt, not to mention a dysfunctional educational system and crumbling infrastructure. It is not a legacy Americans should be proud to leave.

Mr. President, a constitutional balanced budget amendment is the first step we can take to end deficit spending, eliminate the debt, and give our children a chance for a prosperous future.

While it is clear that a balanced budget amendment is an urgent national priority, how Congress acts to restrain spending to balance the budget at this point is an open question. The question before the Senate and the Nation is:

Should we constitutionally require that the budget be balanced?

Mr. President, I feel that we must constitutionally require a balanced budget. If we do not balance the budget, all programs are threatened.

Let me take this opportunity to discuss proposals that I have supported that will help reduce the deficit. First, I am the main proponent of the line-item veto. Alone, a line-item veto will not balance the budget, but we must cut the waste first. A recent GAO study estimated that a President armed with a line-item veto could have saved \$70 billion between 1984 and 1989. The line-item veto is not the answer to all our fiscal problems, but it is clearly a step in the right direction.

I also strongly support a tax limitation amendment to the Constitution. I have worked arduously to enact statutory tax limitation, but have been unable to convince enough Members of this body to adopt my tax limitation proposal. It is crucial that the Government's ability to tax is limited so that we can focus on the real problem—excessive spending. In the last 30 years, Congress has raised taxes 56 times and balanced the budget once. Raising taxes for the 57th time will not reduce the deficit or balance the budget.

Mr. President, we must focus our attention on Government spending if we expect to balance the budget. We must first eliminate wasteful spending. Then we must look at ways of making Government more efficient in the delivery of vital services. Finally, we must examine every program, and determine national priorities. If we are unwilling to do this as a nation, we will fail as a nation as our political liberties and a prosperous future are smothered by debt.

We can begin down the road to fiscal salvation by controlling the explosive growth in entitlement spending. In the view of this Senator, the major driving force behind the growth in entitlement spending has been the hyperinflation present in our Nation's health care delivery system. The answer to the explosion in entitlement costs does not have to pose a threat to the benefits of the most needy Americans. Rather, Congress must take seriously the need for reform of our Nation's health care delivery system in a way that brings cost growth under control and increases access to services.

In short, the amendment we are discussing today will force us to set priorities and tackle the difficult issues—such as health care reform. The only threat to critical programs such as Medicare is a Congress unwilling to tackle the tough issues and accomplish meaningful reform.

We can make substantial progress on deficit reduction without harming vital services. If we do not make progress on deficit reduction, those same services will remain in jeopardy. No one wants an IOU instead of their Social Security check. To ensure that does not happen in the future, we must put our fiscal house in order. That is why I so strongly support a balanced budget amendment to the Constitution.

Mr. President, in the preamble to the Constitution, it states that "We the People" have the responsibility to "secure the Blessings of Liberty to ourselves and our Posterity." We have been in dereliction of duty to ourselves and to our children. It is time we do something good for ourselves and our children.

Let's adopt a balanced budget amendment to the Constitution.

The PRESIDING OFFICER. The Senator from Nebraska.

BALANCED BUDGET AMENDMENT

Mr. EXON. Mr. President, I believe this is the fourth or fifth time in the last few days this Senator has spoken on this subject, and I am forced to speak on it again.

We have had a further demonstration today of the clash of ideas, of personalities, of words on the proposed balanced budget amendment.

As the distinguished Member of this body who occupies the Chair knows, this Senator was formerly a Governor of my State. In my State, as in most States, we have a constitutional amendment that requires a balancing of the budget, and I have long supported a constitutional amendment for the Federal Constitution. While I am not sure that would solve the runaway deficit and debt problem we are going, unfortunately, maddeningly forward with, I think most would agree it certainly could not hurt and I think most would agree in all probability it might do a great deal to help.

Therefore, I have been active for many years in trying to enact a constitutional amendment for a balanced budget. But the first time I rose on the floor on this matter, I said very forthrightly that with the action in the House of Representatives to eliminate, or forestall, or at least now fail to enact a constitutional amendment by the required number of two-thirds votes, the matter was obviously dead as a doornail as far as this session of the Congress is concerned. I think personally we should try next year.

I simply say, Mr. President, that the exercise we are going through is meaningless. It is driven by politics. It is not constructive. It is not going to do anything. It is not going to accomplish anything except, unfortunately, further divisions among friends I have on both sides of the aisle who get wrapped up in the rhetoric.

I would simply say that if there has been any discussion about our Appropriations Committee being irresponsible, I do not agree with it. I am not on the Appropriations Committee, and I have disagreed from time to time with actions of the Appropriations Committee, but I believe that anyone who says their actions have been irresponsible does not understand either the process or the actions of the Appropriations Committee.

I would simply point out that if they took actions which could be described as irresponsible, regardless of whether they were irresponsible or not, they are not the final authority. The final authority rests with the Senate, which accepts the actions, the recommendations from the Appropriations Committee. So even if they are irresponsible, which I think they have not been, then that irresponsibility has to lie with the whole body.

Likewise, I heard within the last hour-and-a-half a Senator from the

State of Colorado, in whom I have a great deal of confidence, who is a Member of the Budget Committee, say on the floor of the Senate that it is solely the responsibility of the Congress of the United States we are in the mess of approaching a \$4 trillion deficit.

Now, I hope Senators would know better than that. The facts are, you can cite the Constitution and you can read from it, you can read from the laws that are part and parcel of how we do or do not do business here, depending on your point of view, but you would have to recognize, as I knew as a Governor for 8 years when I was chief executive, you have a responsibility to recommend a balanced budget and to enforce a balanced budget, which I did for 8 years.

So there are some of us who have had some experience with balanced budgets in our businesses before we were involved in the political structure, as Governors of States where they were required, who may have a little bit more experience in some of these things; that others, unfortunately, did not have that experience and background.

I guess most of all, Mr. President, I hope that once and for all we could agree, all 100 Members of the Senate, regardless of political affiliation—because I do not think it has anything directly to do with politics or political affiliation—the mess we are in financially in our great Nation is a shared responsibility. For the sake of discussion, we might say it is half the fault of the Congress and it is half the fault of the President of the United States, or it is 60 percent the fault of the Congress and 40 percent the President, or 90 percent the fault of the Congress and 10 percent of the President's fault, or 80 percent of the President's fault and 20 percent of the fault of the Congress?

The facts of the matter are if anyone understands our form of government, they would know that that obviously is the case. There have been lots of discussions here today about how the Congress is solely responsible for the fiscal mess that we are in. And I read this in the newspapers from time to time. I see editorial writers that I assume are editorial writers because they have had some experience in understanding matters, and in addition to being able to put it in written form that most people can understand.

Time and time again I have heard and read articles and listened to talks, and I have seen replete in the public postcard of the newspapers, and in many of the other types of publications that the President of the United States, whoever that is, is not responsible for the fiscal mess that we are in, that it is strictly Congress. And I unfortunately feel that that is the thrust of some of the comments that have been made this afternoon on the floor of the Senate.

One overlooks that, that even if the Congress passes irresponsible pieces of legislation as so described here, or irresponsible appropriations as have been alleged here, none of that can become active or activated until the President of the United States signs the law, whether it is an authorization matter or whether it is an appropriations matter. It does not become law without the concurrence, without the signature and, therefore, the approval of whoever happens to be President of the United States.

I just wish that once and for all as the distinguished chairman of the Appropriations Committee has said and others have said over the years that this is a shared responsibility, that we have not done our job.

When I say "we," I mean those of us in the Congress and the individuals that have served in the last few years as President of the United States. Unfortunately, all too often we get bogged down in political demagoguery here trying to foster the concept back home, that it is not my fault, it is somebody else's fault. I take my share of the responsibility for this matter.

But for once and for all, I hope we could quit misinforming the people about this process we are in, and the deficit that we have had is a joint responsibility. The President cannot escape his responsibility, nor can any of us collectively or individually.

If nothing else happened, I wish that we could drive that point home.

I thank the Chair. I yield the floor.

THE PRESIDING OFFICER. Who seeks recognition?

Mr. EXON. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INFLUENCE IN THE BUSH CAMPAIGN

Mr. BAUCUS. Mr. President, I rise today to provide yet another example of the ongoing scandal which afflicts Washington. The scandal of top Washington officials signing on to promote the interests of foreign governments and companies at the expense of the American people.

On January 9, 1992, James Lake—longtime Republican campaign official and onetime administration official—took a top job in the Bush campaign. Mr. Lake assumed the post of senior communications advisor.

On February 4, 1992, a month after assuming his post with the Bush campaign, Mr. Lake's lobbying firm of Robinson, Lake & Associates took the Ca-

nadian Forest Industries Council as a client. As he had done a number of times before, Mr. Lake had become a registered foreign agent under the Foreign Agents Registration Act.

I will ask that papers filed by Mr. Lake with the Department of Justice be entered into the RECORD.

According to these papers, the Canadian Forest Industries Council provides a vehicle through which the forest industries of Canada may actively support and promote the Canadian forest industry's national or regional goals.

The Canadian lumber industry hired Mr. Lake and his firm to lobby the Government against imposing a duty on subsidized Canadian lumber imports. Apparently, Mr. Lake's recent appointment to the Bush campaign increased his marketability as a lobbyist for foreign interests. Indeed, Mr. Lake's own papers indicate that he would explain to the news media and Government officials, if necessary, through written and oral communications, the nature of the Canadian forest industry's interests. He was paid \$400 per hour for his services.

But on March 6, 1992, the U.S. Commerce Department decided to impose a 14.5-percent duty on lumber imports from Canada.

At this point Mr. Lake swung into action. By his own admission, Mr. Lake used his influence as a top campaign official to arrange meetings between Canadian representatives and senior administration officials.

Approximately 1 month later on May 15, 1992, the Commerce Department cut the duty on Canadian lumber from 14.5 percent to 6.5 percent. These unfairly subsidized lumber imports continue to threaten the jobs of lumber mill workers in Oregon, Washington, Montana, and many other States.

Did James Lake influence the administration to cut the duty and endanger American workers? We will never know for sure what was said in personal phone calls and backroom conversations. But there is at least a very strong appearance of impropriety.

I suspect most Americans will view Mr. Lake's activities as a scandal. And it is a scandal. But the sad truth is that he apparently broke no law and he is not the first campaign official to peddle influence to the highest bidder.

Hard as it is to believe, it is perfectly legal for senior Presidential campaign officials to sell out to foreign interests. They are perfectly free to use the access and privilege that goes with their job to promote foreign interests at the expense of American workers. It is absolutely legal—it is also absolutely wrong.

This is yet another seedy anecdote from the long saga of foreign influence in Washington.

I recently spoke on this floor about the scandal of foreign interest, and called for tighter laws to prevent Gov-

ernment officials from going through the revolving door from serving the U.S. Government to serving foreign interests. I also called for tighter regulation of foreign lobbying.

But today I call upon all Presidential candidates to ensure that their campaigns are not used to unfairly promote foreign interests. At the very least, there must be a strict rule that a Presidential campaign official cannot promote foreign interests after having joined the campaign.

We cannot allow senior campaign officials to peddle their influence while they are participating in a Presidential election.

I also specifically call upon President Bush to immediately dismiss Mr. Lake from the Presidential campaign. I know of no more egregious example of influence peddling. Strong and decisive action is called for, top campaign officials should not be using their influence to line their pockets at the expense of American workers.

This is not a question of partisan politics. Both parties must take a strong stand against foreign influence peddling. We must ensure that Government officials and campaign officials are promoting American interests, not foreign interests.

Mr. President, I ask unanimous consent that papers filed by Mr. Lake with the Department of Justice, and a number of supporting documents including Mr. Lake's bio and his Foreign Agents Registration Act filing on behalf of the Canadian Government, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAMES HOWARD LAKE

b Fresno, Calif., Aug 16, 37; s Howard Benton Lake & Maryetta McPherson L: m in 1973 to Bobbie Jean Crider; c James Charles, Michael Benton & Garrett Douglas Educ: Bakersfield Col. AA. 57; Univ Calif. Los Angeles, BS. 59. Polit & Govt Pos: Rep asst secy, US Dept Agr, 73-74; govt rels consult, Agr Bus Firms, Washington, DC, 74-79; dir communications & press secy, Reagan-Bush, 84; dir communications, Pres Inaugural Comt, 85, Rep Nat Conv, 88; sr communications adv, Bush-Quayle Campaign, 88. Bus & Prof Pos: Chmn, Robinson, Lake, Lerer & Montgomery Strategic Communications Firm. Mem: Mason. Legal Res: Rte One PO Box 225 Toms Brook VA 22660 Mailing Add: 1667 K St NW Washington DC 20006-1061

[From the U.S. Department of Justice, Washington, DC]

EXHIBIT A

TO REGISTRATION STATEMENT UNDER THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Privacy Act Statement. Every registration statement, short form registration statement, supplemental statement exhibit, amendment, dissemination report, copy of political propaganda or other document or information filed with the Attorney General under this act is a public record open to public examination, inspection and copying during the posted business hours of the Reg-

istration Unit in Washington, D.C. One copy is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of such documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. Finally, the Attorney General transmits an annual report to the Congress on the Administration of the Act which lists the names of all agents and the nature, sources and content of the political propaganda disseminated or distributed by them. This report is available to the public.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .49 hours per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or an other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Furnish this exhibit for each foreign principal listed in an initial statement and for each additional foreign principal acquired subsequently.

1. Name and address of registrant: Robinson, Lake, Lerer & Montgomery, 1667 K Street, N.W., #900, Washington, D.C. 20006.

2. Registration No.: 3911.

3. Name of foreign principal: Canadian Forest Industries Council.

4. Principal address of foreign principal: 1200-555 Burrard Street Vancouver, British Columbia, Canada V7X1S7.

5. Indicate whether your foreign principal is one of the following type:

Foreign or domestic organization: If either, check one of the following:

Other (specify) Council.

6. If the foreign principal is a foreign government, state: N/A.

7. If the foreign principal is a foreign political party, state: N/A.

8. If the foreign principal is not a foreign government or a foreign political party.

a) State the nature of the business or activity of this foreign principal.

The foreign principal provides a vehicle through which the forest industries of Canada may actively support and promote common national or regional goals. In the United States, the foreign principal is concerned with U.S. trade laws and provisions of the U.S.-Canada Free Trade Agreement which would affect imports of Canadian softwood lumber and other related products.

b) Is this foreign principal:

Owned by a foreign government, foreign political party, or other foreign principal, Yes.

Directed by a foreign government, foreign political party, or other foreign principal, Yes.

Controlled by a foreign government, foreign political party, or other foreign principal, Yes.

Financed by a foreign government, foreign political party, or other foreign principal, Yes.

Subsidized in whole by a foreign government, foreign political party, or other foreign principal, Yes.

Subsidized in part by a foreign government, foreign political party, or other foreign principal, Yes.

9. Explain fully all items answered "Yes" in Item 8(b).

Alberta Forest Products Association.
Canadian Lumbermen's Association.
Canadian Pulp and Paper Association.
Canadian Wood Council.
Cariboo Lumber Manufacturer's Association.

Central Forest Products Association, Inc.
Council of Forest Industries of British Columbia.

COFI-Northern Interior Lumber Sector.
Interior Lumber Manufacturer's Association.

Maritime Lumber Bureau.
New Brunswick Forest Products Association.

Nova Scotia Forest Products Association.
Ontario Forest Industries Association.
Ontario Lumber Manufacturers Association.

Quebec Forest Industries Association.
Quebec Lumber Manufacturers Association.

The Western Plywood Manufacturers Association.

10. If the foreign principal is an organization and is not owned or controlled by a foreign government, foreign political party or other foreign principal, state who owns and controls it. N/A.

Date of Exhibit A: 2/3/92.

Name and Title: Mark Helmke, Executive Vice President and General Manager.

[From the U.S. Department of Justice,
Washington, DC]

EXHIBIT B

TO REGISTRATION STATEMENT UNDER THE
FOREIGN AGENTS REGISTRATION ACT OF 1938,
AS AMENDED

Instructions: A registrant must furnish as an Exhibit B copies of each written agreement and the terms and conditions of each oral agreement with his foreign principal, including all modifications of such agreements; or, where no contract exists, a full statement of all the circumstances by reason of which the registrant is acting as an agent of a foreign principal. This form shall be filed in triplicate for each foreign principal named in the registration statement and must be signed by or on behalf of the registrant.

Privacy Act Statement. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, dissemination report, copy of political propaganda or other document or information filed with the Attorney General under this act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, D.C. One copy is automatically provided to the Secretary of State pursuant to section 6(b) of the Act, and copies of such documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. Finally, the Attorney General transmits an annual report to the Congress on the Administration of the Act which lists the names of all agents and the nature, sources and content of the political propaganda disseminated or distributed by them. This report is available to the public.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .33 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this

collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Name of Registrant: Robinson, Lake, Lerer & Montgomery.

Name of Foreign Principal: Canadian Forest Industries Council.

Check Appropriate Boxes:

3. The agreement or understanding between the registrant and the foreign principal is the result of neither a formal written contract nor an exchange of correspondence between the parties. If this box is checked, give a complete description below of the terms and conditions of the oral agreement or understanding, its duration, the fees and expenses, if any, to be received.

Duration of representation is indeterminate at this time. Fees will be billed on an hourly basis. Robinson, Lake, Lerer & Montgomery's rates range from \$80.00 per hour to \$400.00 per hour, dependent on level of participation.

4. Describe fully the nature and method of performance of the above indicated agreement of understanding.

(1) Monitor the news media.

(2) Explain to the news media and government officials, if necessary, through written and oral communications, the nature of the principal's interests.

5. Describe fully the activities the registrant engages in or proposes to engage in on behalf of the above foreign principal.

(1) Monitor the news media.

(2) Explain to the news media and government officials, if necessary, through written and oral communications, the nature of the principal's interests.

6. Will the activities on behalf of the above foreign principal include political activities as defined in Section 1(o) of the Act? Yes.

If yes, describe all such political activities indicating, among other things, the relations, interests or policies to be influenced together with the means to be employed to achieve this purpose.

Various federal agencies could possibly take action on matters related to the Canadian Forest Industries Council's interests. Consequently, our activities would explain the Council's attitude toward any such activities and further explain the possible impact any such government decisions might have on the Council.

Date of Exhibit B: 2/3/92.

Name and Title: Mark Helmke, Executive Vice President and General Manager.

Mr. BAUCUS. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON STATE TRAILS PLAN

Mr. GORTON. Mr. President, the State of Washington is endowed with some of the Nation's most powerful and magnificent natural resources. From

the jagged peaks of the Olympic Peninsula to the rolling Palouse in the southeast corner of the State, Washington is the ideal destination recreation stop. But the State's population is growing and with it, the intensity of recreational usage in our forests and parks. This growth in recreational usage has its greatest impact on the health and stability of trails. While the population of the State has grown from just over 1.5 million in 1950 to more than 5 million today, the number of miles of trails in the State has dropped during the same period from about 15,000 to about 11,000. Before the year 2000, trail use in Washington State is expected to grow by 34 percent. The use of trails has surpassed the supply and will only continue to grow.

The Interagency Committee for Outdoor Recreation has recognized this trend and, with great foresight, developed the Washington State trails plan. This plan recognizes the growing use of Washington's trail system and seeks to make a significant expansion of the system, on local, State and Federal land, between now and the year 2000. According to a study conducted in 1986-87, 76 percent of all State households walk or hike for recreation, 46 percent of households day hike on trails and 19 percent hike or backpack overnight along trails.

The Washington State trails plan calls for 158 miles of new urban trails, 509 miles of new county and State trails, and 1,939 miles of new Forest Service, nonwilderness trails. I fully endorse the Washington State trails plan and I will work to see that a strong Federal contribution to the plan is made this year and into the next century.

An investment in trails, Mr. President, is not only an investment in the health and happiness of people, but also an investment in the economy. Trail users in Washington State hold a current investment of \$3.4 billion in outdoor equipment. This investment translates into annual sales of \$345 million and annual sales tax revenues of \$27.6 million.

The most important economic benefit of the Washington State trails plan is the creation of jobs for Washingtonians. Building trails will help resolve the current unemployment crisis in the State. Although trails construction will not return unemployment to stable levels, the construction of urban, county, and State trails will create an estimated 1,750 jobs and the construction of Federal trails and the anticipated maintenance of existing trails will create an estimated 4,500 jobs. Together, the construction of trails on all land ownerships under this plan will create 6,250 jobs. And these are not low-paying jobs: A trail crew member might earn \$10 to \$12 an hour and the crew's foreman might earn \$15 an hour.

The trails plan will require a Federal contribution of \$39.6 million from the Forest Service and \$1 million per year from the National Park Service between now and the year 2000. This Federal commitment will not go unmatched; cities, counties, and the State of Washington are called upon to contribute a total of \$70 million before the year 2000 at \$8.75 million per year. This Federal, State, and local partnership will go a long way in ensuring that Washington State's trail system at least matches the standard set by the magnificent beauty of the region.

Mr. President, I am committed to the Washington State trails plan and I have made this a priority for appropriations this year. I have asked the Interior Appropriations Committee to add language to the fiscal year 1993 Interior Appropriations bill making clear that the intent of Congress is to see the Washington State trails plan is fully funded. I will work to see that the Forest Service commits to its \$5 million portion of the overall budget for the plan and that the projected 250 miles of trails on Forest Service land in Washington State are constructed. I will also work to see that the National Park Service understands its role in implementing the plan. The Park Service should spend an additional \$1 million this year for trail rehabilitation in national parks in the State of Washington.

As far as I know, this is the first comprehensive trails plan of its kind ever produced. I commend the hard work of the Interagency Committee for Outdoor Recreation. I hope that its work on the Washington State trails plan is not ignored and that Congress, the State of Washington, and local governments can find the resources to fund this important project.

A TRIBUTE TO FBI SPECIAL AGENTS JACK COLER AND RON WILLIAMS

Mr. PRESSLER. Mr. President, today, June 26, 1992, marks the anniversary of the death of two American heroes. On this day, 17 years ago, on the Pine Ridge Indian Reservation near the small town of Oglala, SD, two special agents of the Federal Bureau of Investigation, Jack Coler and Ron Williams, were murdered in the line of duty.

Special Agents Coler and Williams were in the service of the U.S. Government, doing a job the Congress of the United States authorized them to do. They were at the very beginning of promising careers with a Federal law enforcement agency in which each took a great deal of pride. Jack was 28 years old. Ron was 27.

Ron liked South Dakota and particularly enjoyed the Black Hills. After coming to my State in 1975, he had purchased a home in a quiet section of

Rapid City, my State's second largest city. Jack was a guest in South Dakota, coming to my State from Colorado. He was halfway through a 60-day temporary duty assignment in the Rapid City FBI office when he was killed.

Revisionist authors, moviemakers, and investigative journalists recently have attempted to cast doubt on the distinguished service these fine agents rendered their country. They have chosen to do so by the most insensitive of devices; namely the elevation of their murderer to near martyrdom. Such attempts betray a profound ignorance of the facts of the case and an inhuman disregard for those who loved Jack Coler and Ron Williams.

Someday, we may hear more from the prosecutors who tried the case, the FBI agents who investigated it, the families of the slain agents, and the native Americans who were put through sheer terror by the same people who took the lives of Jack Coler and Ron Williams. I thank God for individuals like these two fine young men, who gave their lives fulfilling a congressional mandate to enforce the law and bring lawbreakers to justice. I also am thankful our country has a system of justice which justly prosecuted those responsible for this heinous crime and protects law-abiding people from those who callously take the lives of others.

To the families of Jack Coler and Ron Williams—my heart goes out to you on this mournful anniversary. I hope you take comfort in the knowledge that many people still carry with them the memory of Ron and Jack and will never forget the tremendous sacrifice they made so that the rest of us can live in peace. May God be with you.

EPA RELEASE OF FINAL PERMITS RULE

Mr. BAUCUS. Mr. President, the Clean Air Act instructed EPA to issue rules requiring all sources of air pollution to have operating permits. Yesterday the White House finally released the permits rule, after holding it hostage for more than a year.

And while the final rule is somewhat improved over the draft version, it still fails to live up to the mandate of the Clean Air Act.

When will the White House get it right?

Despite the clear intent of the Clean Air Act, the rule gives the public no notice or opportunity to comment on permit modifications requested by industry.

For some reason, the President wants to keep the public in the dark.

I guess this should be no surprise. After all, this is the same administration that set up the Council on Competitiveness to give business a secret, back door entrance to the White House regulatory process. Access denied to the public.

But that's not all. The rule also implies that the permit program for nonmajor sources may be indefinitely delayed. EPA promises to promulgate regulations for these sources in 5 years. But the recent history suggests that we may wait much longer.

There is no authority in the act for such a deferral.

And even worse, sources are allowed to seek State and EPA review of any changes in their operations after they are made. Again, the Clean Air Act does not authorize any such process.

Were this the only instance in which the administration has subverted the intent of Congress in passing the Clean Air Act, I might feel differently.

But the permits rule issued today is but another example of how the administration undermines the Clean Air Act.

Important regulations, such as the permits rule, are stalled for months, as the States and industry are left without guidance.

Legislative language is ignored or distorted beyond all common meaning of words.

Ultimately, the public health is threatened and jobs are lost.

For instance, delay in issuing regulations on hazardous chemicals means that 1 billion pounds per year of toxic emissions will continue to spew out.

And when it comes to controlling sources of air toxics, the White House has been studying the schedule for 3 months.

What are they doing at the White House?

Well, they certainly are not implementing the Clean Air Act.

They are not protecting public health or creating jobs.

They are not responding to the real needs of Americans.

A majority of Americans continue to live in areas where it is unsafe to breathe the air. The President promised us clean air by the year 2000.

But he is giving us more delay and more pollution.

Without timely implementation of the Clean Air Act, air pollution control companies cannot expand or even plan.

Environmental protection can mean good jobs. But this administration remains mired in an ideological anachronism, refusing to acknowledge the new reality.

Mr. President, I am deeply disappointed and frustrated that the White House refuses to keep its word on clean air. Unless it begins to do so soon, the environment—and all of us—will only continue to suffer.

NO MORE BILLIONS TO THE IMF

Mr. DECONCINI. Mr. President, in the wake of the recent visit to the United States of Russian President Boris Yeltsin, I feel that it is an appropriate time to discuss the issue of the

International Monetary Fund [IMF] and the proposed aid package for the Commonwealth of Independent States [CIS]. While I agree that it is important to see that the dramatic changes now occurring within the former Soviet Union come to a peaceful fruition, I cannot help but feel that extending these loans under these conditions would be an error of gigantic proportions.

While I am generally not opposed to limited assistance to the Commonwealth of Independent States, providing it is carefully targeted, I am adamantly opposed to the proposed United States contribution of \$12 billion to recapitalize the IMF. Giving aid via the IMF is not the appropriate approach in my view. I cannot help but think that if the Commonwealth of Independent States begins to rely on the IMF now, it will only continue to rely on these loans in the future. As so many other nations around the world know only too well, the new republics could possibly become addicted to these IMF loans. In the long run, this could be more detrimental to the Commonwealth of Independent States than any future military scenario.

Nations that have been backed by the IMF in the past have had a hard time weaning themselves of this reliance. In a recent opinion piece in the *New York Times*, Doug Bandow cited Chile, Egypt, Turkey, Sudan, India, and Yugoslavia as being IMF borrowers for more than 30 years. For example, Egypt has owned the IMF money since 1957. Some of these nations have vibrant economies, but they tend to remain dependent on the IMF nevertheless.

Mr. Bandow also stated that once an IMF lending program for the Commonwealth of Independent States is initiated, the probability remains very strong that the IMF will be pressured—primarily by the Europeans—to continue to provide loans; even bad loans. The IMF should not be forced to do this. If necessary, the IMF spigot must be able to be turned off, and the United States must be able to be the plumber relied upon to turn it off.

In the past, IMF loans have been looted by lender nations. While I am not suggesting that President Yeltsin or President Nazarbayev will do this, we need to be assured that circumstances such as this will not reoccur.

Futhermore, the Heritage Foundation has written that policies enacted by the IMF do not necessarily target assistance to the neediest areas. We have already seen examples of this waste. First, the United States, and our Western allies provided \$44 billion dollars to the Soviet Union that yielded few positive results. Then there was the much celebrated Operation Hope. This great donation of aid and supplies resulted in the historic delivery by

United States military aircraft of 3 tons of size 48 pajama bottoms—but not tops—to Kiev, ham to Muslim Azerbaijan, facial razors to a women's prison, and tampons to a men's prison. How much longer will we allow our assistance to be wasted? Supporters of this aid package argue that the IMF will ensure that the money is put to good use, but I have my doubts. If I have doubts, how can I gamble with the American taxpayer's money?

The IMF is currently more concerned with guaranteeing a payback on their loans. While this may be admirable, it is being done at the expense of the people whom the IMF is trying to help. Recipient governments are forced to raise taxes to extreme levels in order to pay back the loans. Through taxes, people's incomes are transferred from where they are needed—at home and in the business place—out of the country and back into the hands of the IMF to repay an old loan. The IMF then uses this for a future loan whereby the process repeats itself. What we should be asking is how can the Commonwealth of Independent States best get itself on its feet so that loans will not be necessary?

An additional concern that I have is how to ensure that this aid is effectively distributed to the neediest areas. Once the IMF provides a loan, how will the individual Commonwealth of Independent States be held accountable for those funds? To date, this Senator has not had sufficient answers to these basic and vital and far-reaching questions.

Ideally, any assistance which we extend should be targeted to develop a proper infrastructure, and stabilize the economy. Equally important however, is to ensure that these loans are responsibly handled so that the nations of the Commonwealth of Independent States eventually will reach the point where they are no longer dependent on outside aid. Many comparisons have been and will continue to be made on the impact of the Marshall plan on rebuilding Europe after World War II. Under this farsighted program, which was initially resisted by many in Congress, Germany and the rest of Western Europe were rebuilt to the point where they are almost entirely independent of any foreign aid programs and, in fact, have become formidable competitors in the world economy. That has not, however, been the track record of the many new recipients of foreign assistance during the postcolonial independence era. We will not accept a return to the good old days when the IMF expanded its activities to the rest of the developing world, which led to useless squandering of these limited resources. But I am not reassured that the IMF has the necessary structures in place to guarantee that these funds will not be squandered.

The IMF also does not have a strong track record when it comes to encour-

aging nations to privatize state-owned industries. Privatization should be a cornerstone of any new assistance program to the CIS. Private ownership of farms, forcibly collectivized in the 1930's, should be major program goal. By decollectivizing the farm system, we will be able to move these nations a few steps further down the road to a privatized, market economy. The IMF needs to assist in the transfer of resources and businesses from the state to the people. Until natural resources and industries are placed in the hands of the people, the economy of the CIS will not be able to grow and flourish.

Unfortunately, IMF loans in the past have been used to slow down the privatization process as the governments of several developing nations diverted the loans to resolve short-term problems. Only later, when the governments realized that this aid was not endless, did the governments proceed with privatization. Privatization is not an easy process. It is difficult and can only be achieved by near-term sacrifice and pain in order to obtain long-term benefits and gain.

Finally, I am struck by the lack of any meaningful debt relief program in any of these assistance packages being put forth by the IMF, the World Bank, and other nations of the world. Why should we throw more credits and loans down the same hole that earlier credits and loans have been thrown, when we know that they will never be recovered? I first raised the concept of debt relief this spring with Yegor Gaidar, then the head of President Yeltsin's economic team and now Russia's acting Prime Minister. He sought me out during his visit to Washington when President Yeltsin was meeting with President Bush at Camp David. He expressed keen interest in the prospects of debt relief as a means of getting the economic engine going immediately—even though he knew that the United States did not hold as much of the Russian debt as did Germany and others in Europe. Some say that it would be cynical for the United States to call for debt relief when it has been a reluctant party to the new CIS aid package. I believe the United States must take the lead in promoting debt relief as a realistic first step in resolving the CIS' economic problems.

Mr. President, like most of my colleagues in this body, I was caught up in the historic speech delivered by the Russian President on June 17. It was truly a significant occasion as the first democratically elected Russian President came to address a joint meeting of the Congress. But we must not get caught up in the emotion of the event. Emotion would have us go ahead and pass this bill without much debate, send aid to the CIS, then sit back and hope everything easily resolves itself in Russia, Ukraine, Kazakhstan, and the other newly independent States. If only things were so simple.

In closing, I cannot in good conscience commit the American taxpayer to these loans over which the United States has little to no control. It is the responsibility of the American Government to ensure that any financial assistance extended to the CIS is provided properly and effectively. The IMF cannot guarantee this. It is for this reason that I have opposed IMF loans in the past. And it is this reason I will continue to oppose them on this, or any other bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

THE RECENT DECISION OF BMW-AG TO LOCATE A NEW FACILITY IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, this week, I had the great pleasure of attending an announcement of very good news for my home State of South Carolina. The board of BMW-AG, makers of the car they call the ultimate driving machine, has decided to locate their first overseas facility in upstate South Carolina.

Mr. President, I would like to take this opportunity to congratulate BMW on making such a wise choice for their new facility's location. Among our State's many positive attributes are an ideal climate, excellent highways and airports, and access to one of the Nation's finest international ports. In addition, our State is friendly to business, with a State government and congressional delegation, who strongly support industry.

Our best resource, however, is our people. South Carolinians have a strong work ethic and are eager for opportunities to demonstrate their ability. It is no secret that we have been hard hit in recent years by the loss of many textile jobs, and I know the people of the upstate will welcome this chance to show what they are made of. I think I can promise our German friends that they are about to learn the definition of southern hospitality.

Tuesday's announcement was attended via satellite by Mr. Eberhard von Kuenheim, BMW's chairman of the board; and in person by Mr. Bernd Pischetsrieder, member of the board responsible for manufacturing; Dr. Helmut Panke, director of corporate planning; Mr. Karl H. Gerlinger, president and CEO of BMW of North America; and Mr. Craig R. Helsing, vice president for corporate affairs at BMW of North America.

Mr. President, I would like to commend the many people in South Carolina who worked to make this wonderful event possible, especially Gov. Carroll Campbell. Governor Campbell's vision in attracting new business to South Carolina will benefit the people of our State for many years.

Again, I congratulate BMW on making an excellent choice, and I commend all those involved for their success in forming this new partnership between Germany and South Carolina. I am confident that South Carolina-made BMW's will set a new standard for excellence.

TRIBUTE TO GEN. JOHN R. GALVIN, SUPREME ALLIED COMMANDER EUROPE AND COMMANDER IN CHIEF, U.S. EUROPEAN COMMAND

Mr. THURMOND. Mr. President, I rise today to recognize one of this country's most distinguished soldiers, Gen. John R. Galvin, who is retiring after 44 distinguished years in the service of our Nation. General Galvin's career began with the dawn of the cold war and most appropriately closes with the end of the cold war. He participated in this war on the plains of Europe, in the jungles of Vietnam and South America and, finally, as NATO's supreme commander. Throughout this period, he distinguished himself with glory, most prominently in his position as the Supreme Commander Allied Forces in Europe.

Mr. President, our Nation and European Allies will miss General Galvin's political acumen and military expertise. These traits, coupled with his leadership, were the key to NATO's successful transition from cold war confrontation with the former Soviet Union to a benefactor relationship with this former enemy. General Galvin's dedication toward this goal will be remembered in the annals of history and will contribute to peace in Europe for the next generation.

Mr. President, General Galvin began his military career, as did many of our Nation's distinguished soldiers, as an enlisted man in the Massachusetts National Guard. This foundation as a citizen soldier served him well throughout his distinguished career. He never forgot his roots in the enlisted ranks. This was evident during his many appearances before the Armed Services Committee, at which he always expressed his concern for the men and women and their families under his command.

Mr. President, our Nation, and the Congress will miss General Galvin's wise counsel and personal diplomacy on behalf of our soldiers and NATO. I wish him and his wife, Jinny, continued success in the new challenges that retirement will bring.

Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT

Mr. SIMPSON. Mr. President, I rise to say a few words of support for the balanced budget amendment we are considering today.

As a supporter and original cosponsor of the balanced budget amendment introduced by Senators SIMON and THURMOND, I was very disappointed to see the amendment fail in the House of Representatives. It was an example of exactly the sort of special interest politics which continues to prevail in this country at the expense of the national interest.

When I say that, I do not impugn the motives of anyone on either side of this issue. But what happened over there in the House was understood by all of us—especially those of us who have been carefully reading our mail on this issue. It is very apparent what had happened, considering that the balanced budget had—until just shortly before the vote—enough votes to pass in the other Chamber. We had actually thought that the Senate would be the difficult vote for this amendment. When original cosponsors of a bill turn around and vote against it, as happened in the House, you know something extraordinary has occurred. You know the political heat was turned up higher than some Members of Congress could ever bear and they did not bear up.

In public service we have a gentle habit of using code words to disguise what we really mean. When we read what we consider to be arguments that are deceptive or intentionally misleading, we talk about sophistry. We talk about misrepresentation. That takes the edge off of it—we do not like to talk about lies.

I have received mail telling me that this balanced budget amendment would result in substantial and punitive cuts in Social Security—they even have the figures calculated for us. The projected monthly cuts in Social Security range from \$52 to \$90. I do not know what else to call that but a lie—a damnable lie. There are no projected cuts in this amendment—and we all know that, all of us except those who depend on these groups for their twisted and distorted information.

In fact, that's the rap on this amendment. I am a cosponsor of the Kasten amendment which would ensure that the budget would be balanced through spending restraint, not through tax increases. We are not likely to pass that one. Indeed, the one reason this amendment stood a chance of passage is precisely because it did not mandate cuts. All this amendment does is to declare Congress' obligation to balance the Federal books.

Mr. President, I never thought I would see the day that my good friend and colleague—a man I have known and admired for over 20 years, Senator SIMON of Illinois, would be labeled as

the enemy of the poor and the elderly. It might be only an amusing election year development if it were not part of a very real crisis.

I do not know whether these activist groups will be able to convince our seniors that they are their friends, and that Senator SIMON is their enemy. What trash talk. In 1992, perhaps that ridiculous idea can gain some currency. I do know this, though—if someday the seniors of 2015 look back and study this debate—or the seniors of 2030, or the seniors of 2100—they will definitely and clearly know better.

This is an extraordinary new standard in special interest lobbying. This is a lobbying effort, not against a particular set of cuts, nor against a particular tax action. It is not against a particular way of balancing the budget. It is a lobbying effort against a balanced budget itself. Often around here we have constituents come in to our office and say—give us this. Fund this program, do not raise my taxes—and, oh yes, balance the budget. But this lobbying campaign is fundamentally different—it is very simply—do not balance the budget. Stick it to our children and to our grandchildren. Let them pay all our bills—even if they are broke.

That really is what this is all about. The amendment before us does not prescribe the method by which the budget should be balanced. It does not even eliminate Congress' ability to run a deficit—a three-fifths majority is all it would take to continue to do that. It merely erects some procedural hurdles against deficit spending, and more importantly, elevates our obligation to future generations to the level of a constitutional duty.

Mr. President, I have heard it said that a constitutional balanced budget amendment would infringe upon Congress' constitutionally granted power of the purse.

Of what does that power consist? It consists of the right to set national spending priorities, to tax, to spend, to decide what proportion of national resources will be spent by the Federal Government.

This amendment would not take away any of that. It would not even completely eliminate the ability to deficit-spend.

Mr. President, I also have some very definite ideas concerning what the power of the purse is not. It is not the right to bankrupt our country. It is not the right to steal from future generations in order to give to present ones—regardless of their net worth or their income.

There is no power granted to any branch of this Government which is unlimited to the extent of destroying our ability to pass the blessings of liberty, undiminished, to our posterity. Yet, we have not conducted our national fiscal and monetary affairs in a way that rec-

ognizes that obligation. It is highly appropriate that the Constitution be amended if for no other reason to remind us that it exists, and then to hold us tightly accountable to it.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S. 2532, S. 2733

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BYRD be recognized immediately following the attainment of this consent request in order to vitiate the modification of his amendments Nos. 2448 and 2449; that the Senate proceed to the consideration of Calendar No. 476, S. 2532, the Freedom for Russia and the Other European Emerging Democracies Act, at 3 p.m., on Monday, June 29, for debate only;

That on Tuesday, June 30, at 2:15 p.m., the Senate resume consideration of S. 2733, the bill to reform Government-sponsored enterprises, at which time Senator KASTEN be recognized to offer a perfecting amendment to the Seymour amendment, relating to requiring a three-fifths vote of the whole membership of both Houses of Congress to enact a revenue increase; that no amendment to this amendment be in order; that there be 2 hours for debate on the Kasten amendment, equally divided and controlled in the usual form; and at the conclusion or yielding back of time on the Kasten amendment, the Senate proceed to vote on the Kasten amendment;

That upon the disposition of the Kasten amendment there be a time limitation of 2 hours for debate on both the Byrd amendments Nos. 2449 and 2448 inclusive, equally divided in the usual form; that at the conclusion, or yielding back of time, the Senate vote immediately on the Byrd substitute amendment No. 2449; to be followed immediately by a vote on the Byrd substitute No. 2448, as amended, if amended;

That if the Byrd amendment No. 2448, as amended, if amended, is agreed to, Senator SEYMOUR then be immediately recognized to withdraw his amendment No. 2447; and the Senate then proceed to have S. 2733 read for the third time and vote on passage of the bill, with each of these steps in relation to both the Byrd and the Seymour amendments and passage of S. 2733 occurring without any intervening action or debate;

Provided further, that if the Byrd amendment No. 2448, as amended if amended, is not agreed to, there then be 2 hours of debate preceding a vote on a motion to invoke cloture on the Seymour amendment No. 2447, as amended, if amended, with the live quorum mandated by rule XXII, being

waived and with all the preceding actions being taken without any intervening action or debate; that

If cloture is not invoked on the Seymour amendment, no further actions in relation to the bill be in order for the balance of the day other than debate; that the Senate resume consideration of this bill at 9 a.m. on Wednesday, July 1; that there then be 1 hour for further debate prior to a second vote on a motion to invoke cloture on the Seymour amendment No. 2447, equally divided and controlled between Senators SEYMOUR and BYRD, or their designees; and that at 10 a.m. the Senate proceed to vote, without any intervening action or debate, on this second motion to invoke cloture, with the live quorum having been waived;

That if cloture is not then invoked on the Seymour amendment, Senator SEYMOUR then be recognized to withdraw his amendment; that the bill, S. 2733 be read for the third time and a vote occur on passage of the bill, with each of these steps occurring without any intervening action or debate; and

That the cloture motions referred to in this consent be considered as having been timely filed if they are filed at any time prior to the cloture votes; and that it then not be in order to offer any amendment relative to a constitutional amendment to balance the budget to any bill or joint resolution for the balance of this session of Congress.

Mr. President, I want to make clear in the event it is not, that with respect to the Kasten amendment the vote on the Kasten amendment occur at the conclusion or yielding back of time, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. The insertion with regard to "other than debate," that has been taken care of, and the provision on the issue of further activity?

Mr. MITCHELL. Right.

Mr. SIMPSON. No, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 640

Mr. MITCHELL. Mr. President, I now ask unanimous consent that S. 640, the product liability bill, be referred to the Judiciary Committee until August 12; that if the Judiciary Committee has not reported the bill by that time the committee be discharged from further consideration of the bill and the bill be placed on the calendar.

I further ask unanimous consent that on Tuesday, September 8, upon the conclusion of morning business, I be recognized, and that it be in order, to move to proceed to S. 640, notwithstanding the provisions of rule XXII or any other rule of the Senate; that the

managers of the bill shall be Senators HOLLINGS and DANFORTH or their designees; and that no other motion or amendment relating to the subject of S. 640 be in order either prior to September 8 or for the remainder of the Congress thereafter, other than those offered in relation to my motion or to the bill itself.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreements is as follows:

Ordered further, That at 3 p.m. on Monday, June 29, 1992, the Senate proceed to the consideration of S. 2532, the Freedom for Russia and the Other European Emerging Democracies Act, for debate only.

Ordered further, That on Tuesday, June 30, 1992, at 2:15 p.m. the Senate resume consideration of S. 2733, the Bill to Reform Government Sponsored Enterprises, at which time the Senator from Wisconsin (Mr. Kasten) be recognized to offer a perfecting amendment to the Seymour amendment, relating to requiring a 3/5's vote of the whole membership of both Houses of Congress to enact a revenue increase, and that no amendment to this amendment be in order.

Ordered further, That there be 2 hours for debate on the Kasten amendment, to be equally divided and controlled in the usual form.

Ordered further, That at the conclusion or yielding back of time on the Kasten amendment, the Senate proceed to vote on the Kasten amendment, without any intervening action or debate.

Ordered further, That upon the disposition of the Kasten amendment, there be a time limitation of 2 hours for debate on both the Byrd amendments, No. 2449 and 2448, inclusive, to be equally divided in the usual form.

Ordered further, That at the conclusion, or yielding back of time, the Senate vote immediately on the Byrd substitute, No. 2448, as amended, if amended.

Ordered further, That if the Byrd amendment, No. 2448, as amended, if amended, is not agreed to, the Senator from California (Mr. Seymour) then be immediately recognized to withdraw his amendment, No. 2447, and the Senate then proceed to have S. 2733 read for the third time, and vote on passage of the bill, with each of these steps in relation to both the Byrd and the Seymour amendments occurring without any intervening action or debate.

Ordered further, That if the Byrd amendment, No. 2448, as amended, if amended, is not agreed to, there then be 2 hours of debate preceding a vote on a motion to invoke cloture on the Seymour amendment, No. 2447, as amended, if amended, with the live quorum mandated by Rule XXII being waived, and with all the preceding actions being taken without any intervening action or debate.

Ordered further, That if cloture is not invoked on the Seymour amendment, no further actions in relation to the bill be in order for the balance of the day, other than debate.

Ordered further, That at 9 a.m. on Wednesday, July 1, 1992, the Senate resume consideration of S. 2733, and that there then be 1 hour for further debate prior to a second vote on a motion to invoke cloture on the Seymour amendment, No. 2447, to be equally divided and controlled between the Senator from California (Mr. Seymour) and the Sen-

ator from West Virginia (Mr. Byrd), or their designees.

Ordered further, That at 10 a.m. on Wednesday, July 1, 1992, the Senate proceed to vote, without any intervening action or debate, on this second motion to invoke cloture, with the live quorum having been waived.

Ordered further, That if cloture is not then invoked on the Seymour amendment, the Senator from California (Mr. Seymour) then be recognized to withdraw his amendment, that the bill, S. 2733, be read for the third time and a vote occur on passage of the bill, with each of these steps occurring without any intervening action or debate.

Ordered further, That the cloture motions referred to in this consent agreement be considered as having been timely filed if they are filed at any time prior to the cloture votes, and that it then not be in order to offer any amendment relative to a Constitutional amendment to balance the budget to any bill or joint resolution for the balance of this session of Congress.

Ordered further, That first degree amendments in relation to the first cloture motion may be filed until 4 p.m. on Monday, June 29, 1992, and first degree amendments in relation to the second cloture motion may be filed until 12:30 p.m. on Tuesday, June 30, 1992.

Ordered, That S. 640, the Product Liability Bill, be referred to the Judiciary Committee until August 12, 1992, and that if the Judiciary Committee has not reported the bill by that time the committee be discharged from further consideration of the bill and the bill be placed on the Calendar.

Ordered further, That on Tuesday, September 8, 1992, upon the conclusion of Morning Business, the Majority Leader be recognized and that it be in order to move to proceed to S. 640, notwithstanding the provisions of Rule XXII or any other Rule of the Senate.

Ordered further, That the managers of the bill shall be the Senator from South Carolina (Mr. Hollings) and the Senator from Missouri (Mr. Danforth), or their designees.

Ordered further, That no other motion or amendment relating to the subject of S. 640 be in order either prior to September 8, 1992, or for the remainder of the Congress thereafter, other than those offered in relation to the Majority Leader's motion or to the bill itself.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

FEDERAL HOUSING ENTERPRISES REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the modifications which I made last evening in accordance with the rules and precedents of the Senate to my two amendments, on page 3 line 4 of each, be vitiated; and that the word "may" which appeared in the modification revert to the original word, "shall," in each of the amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their patience with respect to this matter. This agree-

ment is the product of many hours of intensive discussion between myself and the distinguished Republican leader and the distinguished assistant Republican leader, the chairman of the Appropriations Committee, and many other interested Senators. And I thank them all for their courtesies. I especially thank my friend, Senator SIMPSON, for his courtesy throughout this process.

PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today. Under this order, the Senate will take up the Freedom for Russia Act on Monday, beginning at 3 p.m., for debate only. There will be no votes on that bill on that day. There will be no votes of any kind on Monday.

On Tuesday, beginning at 2:15 p.m., following the party caucuses, the Senate will return to consideration of S. 2733 and Senator KASTEN will be recognized to offer his amendment. If the full time is used on the Kasten amendment, a vote will occur on that at approximately 4:15 p.m. Of course, if the time is not used the vote will occur before then, so Senators should be aware that the next vote will occur not prior to 2:15 p.m. next Tuesday and not later than 4:15 p.m. next Tuesday. The remainder of the agreement is, of course, self explanatory.

In any event, we will complete action on these measures, hopefully being able to dispose of them, finally, both the balanced budget amendment debate, S. 2733, the Government-sponsored enterprises bill, and then take up the Freedom for Russia Act in earnest on Wednesday, following the second cloture vote, if a second cloture vote occurs. In that event, I expect that we will have a busy time on Tuesday, Wednesday, and Thursday. It remains my hope Mr. President, that we can complete action on the freedom for Russia bill prior to the onset of the Fourth of July recess.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

APPRECIATION TO ALL FOR ASSISTANCE

Mr. SIMPSON. Mr. President, I want to thank sincerely the majority leader, Senator MITCHELL, for his courtesies and his fairness, all exemplary, his extraordinary patience which is quite beyond measure, at least to this Senator. And he does that superbly.

We were able to arrive at this and it could not have been done without the assistance of Senator BYRD. I thank him. The amendment which he so vigorously pursued was somewhat disabling for a time to some on our side, and that has been taken care of.

And to Senator NICKLES, particularly, feeling great passion for his

cause, and Senator SEYMOUR, my appreciation to them, and to Senator GRAMM who tenaciously and passionately held to his course, which is his nature, and I thank him.

This will give Senator KASTEN an opportunity to have an up or down vote, and for Senator BYRD to have that same courtesy.

And to Senator KASTEN my appreciation; Senator DOMENICI, Senator COCHRAN, and others on this side of the aisle and the other side of the aisle, and staff, who were so diligent in assisting in resolving what could have been a very tumultuous activity, which would have prevented the majority leader from going to the Russian aid bill, something the President deeply desires, something the Secretary of State desires, and something our leader, BOB DOLE, is most interested in. I am pleased we were able to resolve this issue.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 665, 666, 667, 668, 669, 670, 671, 672, and James P. Huff, Sr., to be Administrator of the Rural Electrification Administration, reported earlier today by the Committee on Agriculture, Nutrition, and Forestry.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Stephanie Duncan-Peters, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

Ann O'Regan Keary, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

Judith E. Retchin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

William M. Jackson, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

THE JUDICIARY

Norman H. Stahl, of New Hampshire, to be U.S. circuit judge for the First Circuit.

Thomas K. Moore, of the Virgin Islands, to be a judge of the District Court of the Virgin Islands for a term of 10 years.

Eduardo C. Robreno, of Pennsylvania, to be U.S. district judge for the Eastern District of Pennsylvania.

Gordon J. Quist, of Michigan, to the U.S. district judge for the Western District of

Michigan vice a new position created by Public Law 101-650, approved December 1, 1990.

RURAL ELECTRIFICATION ADMINISTRATION

James B. Huff, Sr., to be Administrator of the Rural Electrification Administration.

STATEMENT ON THE NOMINATION OF JAMES HUFF, SR.

Mr. COCHRAN. Mr. President, I take this time simply to express my appreciation and gratitude to the distinguished chairman of the Agriculture Committee, Senator LEAHY, and all the members of the Agriculture Committee for the expeditious consideration of the nomination of James Huff to be Administrator of the Rural Electrification Administration. Mr. Huff has just been confirmed as Administrator, and I predict that he will render distinguished service in that capacity. He has been serving as State Director of the Farmers Home Administration in my State of Mississippi, and he has done so with a great deal of skill and has distinguished himself as a person who has a unique ability to get along with others but to do a job that sometimes is very difficult.

He has had experience in management in an executive position with Masonite Corp., headquartered at Merrill, MS. He has been looked to in his community, city, and county for leadership on a wide variety of civic and political issues, and he has been called upon to serve in many positions of responsibility in his area. I am very happy the Senate has acted today to confirm him as head of the Rural Electrification Administration. I congratulate him on his confirmation and wish for him every success and satisfaction in his years ahead in his service in this capacity to the United States of America.

STATEMENT ON THE NOMINATION OF JAMES B. HUFF, SR.

Mr. KERREY. Mr. President, I oppose the nomination of James B. Huff, Sr., to be Administrator of the Rural Electrification Administration.

During the early part of the Reagan administration, the Rural Electrification Administration [REA] imposed a policy that allows rural electric cooperatives to prepay their REA loans only if the borrowers agree to forfeit all future eligibility for REA financing of any type. Under that policy, the only way that an electric cooperative can reestablish its eligibility for REA loans is by agreeing to repay the Federal Government all of the interest costs, for the entire original life of the loan, that the REA borrower saved by prepaying the loan. That policy is still in effect today. If there was ever a more transparent, but back-door attempt to gut REA programs by people who are fundamentally hostile to the REA mission, I have not seen it.

Because of the economic necessity of refinancing REA loans obtained when interest rates were much higher, at least 29 rural electric cooperatives and public power districts—including 14 in

my own State of Nebraska—have been driven by this draconian policy from all REA lending programs in the future, including REA's rural development program.

When Mr. Huff's nomination was considered by the Committee on Agriculture, Nutrition, and Forestry, I asked him whether or not he agreed with the REA policy imposing sanctions on those who prepay their loans. His answer was disturbing for two reasons.

First, he stated his intention to continue that policy, if confirmed.

Second, I regret to say, his response rather disingenuously traces the origin of the policy and its implementation over the past several years. In short, his answer explains that it was Congress which passed legislation in the early 1980's to authorize REA borrowers to prepay their loans, thus implying that Congress is to blame for this policy when, in fact, it was the administration that subsequently decided to force borrowers to exit the REA lending program if they exercised the prepayment option.

Mr. President, I expect to see nominees from this administration with whom I have basic policy disagreements. What I do not expect, and will not accept, are attempts to distort the record on the origin of those policies.

I will not delay this nomination, however, primarily because of my belief that the nominee's tenure in the position, like the duration of the administration itself, is likely to be brief, thanks to the very policies they espouse.

The text of my question to Mr. Huff and his response follows:

QUESTIONS FROM SENATOR ROBERT KERREY

Question. During the Reagan Administration, the REA imposed a policy, apparently still in effect, that allows rural electric cooperatives to pre-pay their REA loans only if the borrowers agree to forego all REA financing in the future. Because of the economic necessity of refinancing REA loans obtained when interest rates were much higher, at least 29 rural electric cooperatives and public power districts (including 14 in Nebraska) have been driven, by this condition, from all future REA lending programs.

Do you agree with this policy, and if so, why? Why should REA borrowers be penalized for pre-paying their high-interest rate loans—a sanction not imposed on homeowners or businesses?

Answer. It is my understanding that during the Reagan Administration, Congress enacted legislation to permit REA electric and telephone borrowers to prepay their low interest REA insured loans at a discount and that twenty-nine rural electric borrowers did repay their REA loans. REA regulations do permit these borrowers to obtain additional loans from REA if the borrower makes the Government "whole" again by repaying the amount of the discount plus interest. I shall of course implement those policies set forth in legislation.

There are REA power supply borrowers that do have high interest rate Federal Financing Bank (FFB) loans which are guaran-

teed by REA. It is my understanding that the FFB is approving requests from many of these borrowers to "reprice" certain of their high interest notes at the current lower FFB interest rates.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker announces the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) entitled "An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities":

In the panel from the Committee on Energy and Commerce, Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration of that portion of section 2(b) of the House bill which adds section 6001(c) to the Solid Waste Disposal Act.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5427. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes; and

H.J. Res. 459. Joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5427. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 459. Joint resolution designating the week beginning July 26, 1992 as "Lyme Disease Awareness Week."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-415. A concurrent resolution adopted by the Legislature of the State of Louisiana;

to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION NO. 64

"Whereas, the Imported Red Fire Ant has entered the United States and spread to all the southeastern United States; and

"Whereas, the food of the Imported Red Fire Ant is primarily insects, ticks, spiders and earthworms and the ants damage crops and tree seedlings; and

"Whereas, new mounds are usually established on moist soil and tunnels have been traced over 80 feet from the mound and as deep as four feet under the mound; and

"Whereas, there may be as many as 300,000 ants per mound and reproduce from egg to adult in 22 to 28 days; and

"Whereas, Louisiana being a very wet state, creates the perfect habitat for the fire ants, which have become uncontrollable.

"Therefore, be it resolved, That the Legislature of Louisiana memorializes Congress to provide assistance in combatting the current destruction and further spreading of the Imported Red Fire Ant.

"Be it further resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-416. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Appropriations:

"HOUSE CONCURRENT RESOLUTION 86

"Whereas, according to a 1990 report by the State Department of Business, Economic Development, and Tourism, between 1980 and 1989, the number of households in Hawaii increased by 22.8 percent, while the total housing supply grew by only 17.7 percent; and

"Whereas, this disparity between housing supply and demand is just one factor of the deepening housing shortage in the State; and

"Whereas, not only local residents, but military personnel stationed or homeported in Hawaii are also feeling the pressures of finding a place to live; and

"Whereas, the need for more affordable rentals and housing units has never been more critical than before for both the military and the civilian sectors; and

"Whereas, as the military competes with Hawaii's resident population for the limited number of rentals statewide, the housing crisis continues to deepen; and

"Whereas, increased governmental effort and action to provide for the housing needs of the armed forces in Hawaii is immediate, as the military undergoes scrutiny and pressure to downsize its presence locally, nationally, and internationally; and

"Whereas, future military activity in Hawaii may depend on the availability and affordability of housing in the State; and

"Whereas, shortages of military funds for housing and the lack of military housing units in the State demand that new military housing be funded and supported by congressional appropriations and federal funding; and

"Whereas, federal housing impact aid funds would compensate the resident community in Hawaii for the cost of providing sufficient housing facilities and units for federally-connected personnel; and

"Whereas, furthermore, these funds would be used to develop, construct, and maintain much-needed housing units and facilities for military personnel stationed in the State; now, therefore, be it

"Resolved by the House of Representatives of the Sixteenth Legislature of the State of Hawaii,

Regular Session of 1992, the Senate concurring, That the Congress of the United States is requested to provide federal housing impact aid funds for infrastructure development, construction, and maintenance of housing units and facilities for military dependents; and be it further

"Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Congress, the Secretary of the United States Department of Housing and Urban Development, Secretary of Defense, the Commander in Chief of the Pacific, the Commander of the Oahu Consolidated Family Housing Office, the Military Affairs Council of the Chamber of Commerce of Hawaii, and each member of Hawaii's Congressional Delegation."

POM-417. A resolution adopted by the Senate of the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION NO. 4

"Whereas, federal law provides that during the period commencing at 2 o'clock antemeridian on the last Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year, the standard time of each zone shall be advanced one hour and shall be known as the daylight saving time of such zone during that period; and

"Whereas, the period commencing at 2 o'clock antemeridian on the last Sunday of October of each year and ending at 2 o'clock antemeridian on the last Sunday of April of each year is known as the standard time during that period; and

"Whereas, any state or Commonwealth that lies entirely within one time zone may by law exempt itself from the federal law providing for the advancement of time; now, therefore, be it

"Resolved by the Senate, That the Senate hereby express support of extending the period of daylight saving time from 2 o'clock antemeridian on the last Sunday of October of each year to 2 o'clock antemeridian on the first Sunday of November of each year."

POM-418. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION NO. 342

"Whereas, The Michigan Legislature has long recognized the merits of historic preservation and interpretation as an integral function of educational and economic development and expressed such conviction by the establishment of such sites as the Mackinac Island State Park, the Fayette State Park, and Fort Wilkins State Park. Moreover, the Michigan Legislature has invested in projects to undergird such preservation and interpretation through equity grants in facilities such as the Quincy Mine Hoist, the Calumet Historic Theatre, and the Iron County Historical Museum; and

"Whereas, The Michigan Bureau of History has recognized the importance of regional landscapes which distinguish one region from another through their natural, cultural, recreational, and economic attributes which stimulate the local economy and improve the quality of life. The Michigan Bureau of History has also encouraged the concept of a regional heritage area in the Western Upper Peninsula of Michigan by securing

funds from the United States Department of Interior along with donations from many local organizations which were invested in the preparation of a regional historic resources management plan; and

"Whereas, The United States Department of Interior has recognized the national significance of the copper mining and processing industry in the Keweenaw Peninsula by designating both the Quincy and Calumet areas as national historic landmark districts. National legislation has been introduced jointly by Congressman Robert Davis and Senator Carl Levin to make these landmarks part of the national park system with the title "The Keweenaw National Historical Park"; and

"Whereas, The Michigan Legislature endorses the concept of the Keweenaw National Historical Park, which celebrates the national significance of Michigan's copper mining district and recognizes the importance of historic resources and their economic contribution to the regional landscape, by supporting the concept of a regional heritage reserve in the Western Upper Peninsula of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby memorialize the Congress of the United States to designate the Quincy and Calumet areas of Copper Country in the Keweenaw Peninsula of Michigan's Upper Peninsula part of the national park system with the title, "The Keweenaw National Historic Park"; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-419. A concurrent resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Environment and Public Works:

"RESOLUTION

"Whereas, the solid waste management crisis in the United States has reached epic proportions and needs to be addressed aggressively on a national level; and

"Whereas, Americans generate one hundred and eighty million tons of solid waste annually which will cause seventy percent of all existing land-fills filled are closed by the year 2001; and

"Whereas, our continued reliance on landfills and incinerators will cause taxes and consumer costs to escalate and also can cause costly and irreparable damage to the environment; and

"Whereas, the well-managed reduction, reuse, composting, and recycling of solid waste has the potential to protect the environment, conserve resources, reduce solid waste disposal costs, boost the economy, and create jobs; and

"Whereas, recognizing the significance of Earth Day, we must ensure future generations a safe, clean, and hospitable world by addressing pressing problems such as solid waste management; therefore be it

Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact an environmentally sound reauthorization of the Federal Resource Conservation and Recovery Act; and be it further

Resolved, That the General Court of Massachusetts also respectfully urges Congress to include in its reauthorization of RCRA measures such as requiring a minimum content of recycled material in packaging; pro-

viding tax credits for businesses to promote recycling and the use of recycled materials in manufacturing; assisting cities and towns in the development of composting and recycling programs; encouraging the recycling of waste oil; ensuring that foreign countries manage their waste exports from the United States under strict environmental laws; reducing our dependence on incineration; granting citizens the right-to-know what toxic chemicals are being burned in and emitted from incinerators; and developing an environmentally sound Federal Government procurement policy; and be it further

Resolved, That copies of these resolutions be transmitted by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and the Members thereof from this Commonwealth."

POM-420. A concurrent resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Environment and Public Works:

"RESOLUTION

"Whereas, virtually every water utility will have to finance capital improvements and improved operation, maintenance, and laboratory support without Federal help for complying with an explosion of new Safe Drinking Water Act (SDWA) regulations during the next ten years. By the year two thousand, the SDWA will:

"Substantially increase the number of regulated contaminants that must be tested (from sixty-three today to approximately two hundred);

"Require the monitoring of many yet unregulated contaminants;

"Establish regulatory benchmarks for treatment technologies;

"Require filtration for nearly all surface water supplies and disinfection for all public water system and;

"Ensure that a ban on lead-based solder, pipe, and flux materials is properly implemented;

"Will take action in response to newly bolstered enforcement powers; and

"Whereas, remaining in compliance with the Federal Safe Drinking Water Act Amendments of 1986 will severely affect the economic viability of public water systems; especially those serving a population of less than ten thousand; and

"Whereas, these Federal requirements affect all water suppliers, small (those serving as few as twenty-five people or with fifteen service connections) and large; and

"Whereas, a recent Massachusetts Department of Environmental Protection study has determined that the commonwealth's five hundred and six community systems will require an additional \$1.1 billion for new Safe Drinking Water Act mandated facility improvements and additions, and this estimate will not cover the needs of the noncommunity community systems (such as schools, day care centers, restaurants, camp grounds, mobile home parks, and businesses) which make up sixty-six percent of the commonwealth's one thousand four hundred and eighty-six water systems nor the engineering and design work and the hiring of certified operators for the proposed facilities; and

"Whereas, a recent New England Water Works Association study group has estimated approximately \$3.6 billion will be required in the next 20 years for community and noncommunity capital improvements that will be required to meet compliance requirements; and this estimate does not include increased monitoring, hiring of new

operators, operation and maintenance, and increased monitoring costs; and

"Whereas, in the Commonwealth of Massachusetts, small water systems will bear the highest burden because their relatively small service populations will not allow for economies of scale as larger systems where the costs are spread over a larger ratepayer base; according to the U.S. Environmental Protection Agency, the annual household cost for the required capital improvements for all systems large and small is expected to range from one hundred and two dollars (for systems serving greater than a million people) to twelve hundred dollars (for systems serving less than one hundred people); in Massachusetts this means that the ratepayers and owners for eighty-nine percent of the water utilities will undergo a substantial and devastating economic hardship in the years ahead because they serve only fourteen and three-tenths percent of the commonwealth's population. Collectively, non-community water systems and small community systems represent eighty-nine percent of all water utilities and provide water for ten percent of the Commonwealth's population; and

"Whereas, all water utilities large and small must comply by these requirements or if they delay or do not take action to comply face the possibility of administrative penalties that could cost twenty-five thousand dollars per day; Now, therefore be it

Resolved, That the Massachusetts General Court respectfully urges the United States Congress to reinstate a grant and/or revolving loan fund for its mandate to protect public health from water-borne contaminants for the purpose of assisting small water systems in paying for their capital improvements. Without financial assistance the Commonwealth's small water utilities who provide water to populations of less than ten thousand will be unable to meet the Federal compliance requirements. These systems can least afford to pay for the SDWA treatment compliance requirements and may be forced to shut down if provisions are not made to assist them. Currently the populations served by these small systems, especially those on Cape Cod and in western Massachusetts, are also the most affected with economic hardship and an unemployment rate approaching ten percent. And be it further

Resolved, That Federal mandates for protecting public health from environmental contaminants should not be set at overly conservative levels that overly protect public health. At the national level the new standards will cost ratepayers hundreds of billions of dollars for saving about one hundred and fifty lives annually. It is not a reasonable assumption that the public is willing to pay for water treatment facilities at any cost. And be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officers of each branch of Congress and to the Members thereof from this Commonwealth."

POM-421. A concurrent resolution adopted by the legislature of the State of Minnesota; to the Committee on Environment and Public Works:

"RESOLUTION No. 10

"Whereas, the Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows, 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas, the limits of Congress' authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded and federal mandates to the states in these protected areas have become almost commonplace; and

"Whereas, the regulation of traffic and motor vehicle safety laws are constitutionally the province of state, not congressional, authority; and

"Whereas, a recently proposed federal mandate would reduce the apportionment of federal highway funds to states which do not enact statutes requiring the use of helmets by motorcyclists and the use of safety belts and child restraint systems by drivers and front seat passengers in automobiles by July 1, 1992; and

"Whereas, while the stated goals of this federal mandate, to reduce highway fatalities and injuries through increased use of motorcycle helmets and safety belts, are certainly praiseworthy, it is the opinion of this body that the passage of such legislation by the U.S. Congress would be a blatant transgression upon the state's regulatory authority under the Tenth Amendment; Now, therefore be it

Resolved by the Legislature of the State of Minnesota, That it urges the Congress to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically, to refrain from mandating the passage of state laws requiring the use of motorcycle helmets, safety belts, and child restraint systems: be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare certified copies of this memorial and transmit them to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress."

POM-422. A resolution adopted by the Senate of the Legislature of the State of Colorado; to the Committee on Environment and Public Works:

"SENATE MEMORIAL 92-1

"Whereas, We, the members of the Fifty-eighth General Assembly, recognize the importance of a state-federal partnership to achieve a comprehensive and effective solid waste management program; and

"Whereas, Members of Congress are currently considering H.R. 3865, the "National Waste Reduction, Recycling, and Management Act," and amendments thereto, which addresses the development of a solid waste management program and includes provisions for the protection of human health and the environment; the encouragement of source reduction, source separation, reuse, and recycling; and the encouragement of markets for recycled goods; and

"Whereas, H.R. 3865 grants authority to the Environmental Protection Agency to give final approval or disapproval of any state solid waste management plan, after the governor of a state has certified the plan's completeness, thereby constraining a state's ability to design and implement its own solid waste management plan; and

"Whereas, H.R. 3865 confers on local governments full discretionary authority to accept or reject out-of-state waste at new facilities and would allow a municipality the choice of not participating in the limitation of importation of waste from another state, which could interfere with a state's ability to comply with its own solid waste manage-

ment plan and could lead to disapproval of such plan by the Environmental Protection Agency; and

"Whereas, H.R. 3865 requires states to import waste from other states and permits states to charge a greater fee for imported waste than is charged for in-state waste, earmarking the fees so that one-half of the fees will go to localities where facilities accepting out-of-state waste are located, with the remaining one-half of the fees to be distributed to localities to operate municipal solid waste management programs, thereby removing from states the flexibility to decide how such fees are used; and

"Whereas, H.R. 3865 does not ensure adequate funding for states and the Environmental Protection Agency to implement their new responsibilities; and

"Whereas, The National Conference of State Legislatures opposes the grant of authority to the Environmental Protection Agency to disapprove of any state solid waste management plan after the governor of a state has certified its completeness and believes that the role of the Environmental Protection Agency should be limited to reviewing plans, setting standards, providing technical assistance, and working with each state throughout the development process so that each state's plan signed by its governor is final; and

"Whereas, The National Conference of State Legislatures is in favor of retaining state authority in accepting or rejecting out-of-state waste and is opposed to allowing municipalities the choice of participation in the limitation of waste from another state; and

"Whereas, The National Conference of State Legislatures opposes any earmarking of state revenues earned through the imposition of fees for out-of-state waste and believes that such fees should be expended as determined by state legislatures, based on each state's individual needs; and

"Whereas, The National Conference of State Legislatures has taken the position that any mandated activities, such as the development of a state solid waste management plan, should be sufficiently funded to meet all state and federal administrative and programmatic costs; now, therefore, be it

Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado:

"That the members of the Congress of the United States are hereby memorialized to support the National Conference of State Legislatures' recommendations on H.R. 3865 and to refrain from adopting any legislation which would impinge on a state's ability to manage solid waste in an environmentally and economically acceptable manner; be it further

Resolved, That copies of this Memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and each member of the Congressional delegation representing the state of Colorado."

POM-423. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"SENATE JOINT MEMORIAL 92-2

"Whereas, In both the 2nd Session of the 99th and the 2nd Session of the 101st Congress of the United States, measures were approved which resulted in an increased tax burden on the people of the United States; and

"Whereas, Additional taxes have a negative impact on state economics; and

"Whereas, The people of Colorado need a revitalization of their economy to allow them to get back on their feet; and

"Whereas, The people of Colorado feel that increased economic growth can only be hampered by tax increases; now, therefore, be it *Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein*:

"That the members of the Congress of the United States are hereby memorialized to refrain from adopting any legislation which will result in increased taxation of the people of Colorado in order to enhance the revitalization and recovery that this state desperately needs. Be it further

Resolved, That copies of this Memorial be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Congressional delegation representing the state of Colorado in Congress."

POM-424. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"SENATE JOINT MEMORIAL 92-4

"Whereas, The Family Support Act of 1988 established Job Opportunities and Basic Skills (JOBS), a new employment, education, and training program for recipients of Aid to Families With Dependent Children (AFDC); and

"Whereas, This program provides one billion dollars in 1992 for partial reimbursement of the costs of state programs; and

"Whereas, Under JOBS, the state of Colorado is required to offer education activities, job skills training, job readiness activities, job development and job placement services, and support services, including child care, on a statewide basis by October 1, 1992; and

"Whereas, If the participation rates established under JOBS are not met in the state, the amount of federal matching money available to the state will be reduced; and

"Whereas, Under JOBS, the state is required to contribute an amount equal to the state contribution for medicaid or sixty percent of the cost, whichever is greater; and

"Whereas, The general fund does not allow the state to contribute enough to fully access its share of the one billion dollar federal appropriation for the JOBS program; and

"Whereas, The members of the general assembly of the state of Colorado recognize that waivers from participation in federal mandated programs, including AFDC, are of benefit and should be supported; now, therefore,

Be It Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States is hereby memorialized to adopt legislation which would accomplish the following:

"(1) Temporarily reduce or eliminate the requirements regarding state contributions to obtain federal matching funds for the JOBS program;

"(2) Facilitate AFDC waiver authority for the states; and

"(3) Maintain the mandatory participation rates in the JOBS program at the 1991 fiscal year level and modify JOBS regulations to accommodate enhanced use of education as a JOBS component.

Be it Further Resolved, That copies of this Memorial be sent to the President of the United States, to the President of the Senate, Speaker of the House of Representatives, and Chairpersons of the Senate Fi-

nance and the House Ways and Means Committees of the Congress of the United States, and to each member of Congress from the State of Colorado."

POM-425. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"SENATE JOINT MEMORIAL 92-5"

"Whereas, The federal Low-Income Housing Tax Credit program creates an estimated fifty-five thousand jobs annually in real estate, construction, and related industries and through 1991 supported the production of over four hundred fifteen thousand units of rental housing for low and moderate-income households; and

"Whereas, The federal Mortgage Revenue Bond Exemption program produces an estimated forty thousand jobs per year in new construction and has assisted more than one million four hundred thousand households, including eighty-nine thousand households in 1991, in buying homes; and

"Whereas, The Federal Targeted Jobs Tax Credit program provides tax credits to employers who hire and retain economically disadvantaged youth, welfare recipients, and the handicapped and has resulted in the certification of over four and one-half million individuals under the program since its initiation and an estimated \$4.5 billion in tax credits claimed by employers over the past ten years; and

"Whereas, Since the current authorization therefor is due to expire by July 1, 1992, the House Ways and Means Committee and the Senate Finance Committee will be considering whether to terminate or extend permanently these three important state-federal programs;

"Whereas, The continued uncertainty about the future of these programs undermines their effectiveness and could be alleviated by federal legislation extending the programs permanently; now, therefore,

"Be It Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States is hereby memorialized to adopt legislation which extends permanently the Low-Income Housing Tax Credit, Mortgage Revenue Bond Exemption, and the Targeted Jobs Tax Credit programs.

"Be It further Resolved, That copies of this Memorial be sent to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation."

POM-426. A resolution adopted by the House of Representatives of the Legislature of the State of Arkansas; to the Committee on Governmental Affairs:

"HOUSE RESOLUTION 1005"

"Whereas, the painful and unsettling discussion of sexual harassment stemming from the confirmation hearings of Judge Clarence Thomas before the Judiciary Committee of the United States Senate has made the entire country more aware of the widespread nature of the problem of sexual harassment; and

"Whereas, while millions of Americans are afforded some measure of legal protection by federal law, employees of the Congress are not afforded this protection because of congressional exemptions from federal law dealing with sexual harassment and other types of discrimination; and

"Whereas, for more than two hundred years, the Congress has been a source of leadership for the people of this country, our elected voices representing the trust of the people of this country. As a result, the Congress, in addition to its direct influence in making laws, provides the source of inspiration as a symbol of self-government. Symbolic actions like the exemption that members of Congress have from sexual harassment laws, other types of discrimination, and all other laws from which they exempt themselves, strike a serious blow to the integrity of our government; and

"Whereas, while no sexual harassment or other violation of the law can be tolerated, it is especially important for our lawmakers and their staffs to operate in an atmosphere of equality, mutual respect, and dignity. Our system is still served by special considerations that are not only inconsistent, but an affront to the sense of justice of the American people.

"Now therefore, be it resolved by the House of Representatives of the First Extraordinary Session of the Seventy-Eighth General Assembly of the State of Arkansas: That the Congress of the United States is hereby urged to amend federal law to remove the congressional exemption from sexual harassment statutes and all other laws from which they exempt themselves; and

"Be it further Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of the United States House of Representatives, and the members of the Arkansas congressional delegation."

POM-427. A concurrent resolution adopted by the legislature of the State of Hawaii; to the Select Committee on Indian Affairs:

"HOUSE CONCURRENT RESOLUTION 300"

"Whereas, prior to the arrival of Captain Cook, the Hawaiian people led self-sufficient lives in a fully realized society; and

"Whereas, only recently has the extent of advancement of the Hawaiian culture, especially with its values and concepts regarding the environment and folk arts, been fully understood and appreciated; and

"Whereas, for centuries the native culture existed in communal lifestyle while its traditions and practices flourished, without any outside influences; and

"Whereas, with the introduction of Western culture after Captain Cook's discovery and the subsequent European and American settlement of the then-called Sandwich Islands, Hawaiian society eventually became displaced; and

"Whereas, this displacement resulted from the abrupt invalidation of native traditions, the often fraudulent taking of land and other natural resources by outsiders, the overthrow, with the assistance of the United States Marines, of the Hawaiian monarchy, and the subsequent annexation of the islands to the United States of America; and

"Whereas, American attempts to erode Hawaiian sovereignty began in 1887, when American sugar planter interests in Hawaii organized a coup d'etat against King Kalakaua, forcing him to sign a new constitution which severely limited the powers of the monarchy and reduced him to a virtual puppet of a new cabinet to be composed of the leaders of the coup; and

"Whereas, the King could make no decision or take any action without the advice and consent of the cabinet, which could only be removed by a two-thirds vote of the legislature; and

"Whereas, in order to reduce Hawaiian dominance in the legislature, the King's

power to appoint nobles was taken away; nobles were to be elected by voters who met property and income qualifications which excluded a majority of Hawaiians, and the number of nobles was increased to equal that of the popularly elected representatives; and

"Whereas, Asians were completely excluded from voting, while all Americans and Europeans, regardless of citizenship, were enfranchised, provided they signed an oath of allegiance to the new constitution; and

"Whereas, this 'Bayonet Constitution' kept the monarchy under strict constraints for five and a half years during which the Hawaiian people used various means to get rid of that instrument of rule; and

"Whereas, in January 1891, Lili'uokalani became Queen upon the death of her brother, King David Kalakaua; and

"Whereas, by January 1892, the American sugar planter interests were convinced that the Queen would be antagonistic, obstinate and uncooperative with their interests, and, moreover, were faced with a new crisis when the United States passed the McKinley Tariff in 1891 and they lost \$4,000,000 in sugar revenues during the first seven months after it went into effect; and

"Whereas, in January 1892, American planter interests put out feelers in Washington, D.C., about American willingness to annex Hawaii; when the response from President Benjamin Harrison through the Secretary of the Navy was supportive, the secret, insurgent Annexation Club and Honolulu Rifles began to make preparations and awaited the ideal moment to overthrow the monarchy, establish a provisional government and seek annexation to the United States; and

"Whereas, that moment came on January 14, 1893, when the Queen announced her intention to abrogate the 1887 Bayonet Constitution and to sign a new one similar to the Constitution of 1864 in response to petitions submitted by two-thirds of the registered voters; by the end of that fateful day in January, plans were in motion to dethrone the Queen and establish a provisional government with the backing of the United States minister and United States naval forces; and

"Whereas, on January 16, 1893, one hundred sixty-two United States marines and sailors landed in Honolulu and positioned themselves near the Hawaiian government buildings and palace in violation of five treaties between the United States and the Hawaiian nation, and of international law; and

"Whereas, on the afternoon of January 17, 1893, a Committee of Safety representing American and European planters, missionaries, and financiers proclaimed that abrogation of the Hawaiian monarchy and the establishment of a Provisional Government from the steps of the Hawaiian Government Building, declared martial law, and demanded surrender of the police station. Immediately, John L. Stevens, American Minister to Hawaii, granted diplomatic recognition to this Provisional Government; and

"Whereas, soon thereafter, when informed of the risk of bloodshed with resistance, Queen Lili'uokalani issued the following statement yielding her authority to the United States government rather than to the Provisional Government:

"I Lili'uokalani, by the Grace of God and under the Constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the Constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom."

"That I yield to the superior force of the United States of America whose Minister Plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the Provisional Government."

"Now to avoid any collision of armed forces, and perhaps the loss of life, I do this under protest and impelled by said force yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the Constitutional Sovereign of the Hawaiian Islands."

"Done at Honolulu this 17th day of January, A.D. 1893;" and

"Whereas, on February 1, 1893, Minister John L. Stevens raised the American flag and proclaimed Hawai'i to be a protectorate of the United States; he wrote to the State Department, 'The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it'; and

"Whereas, the Provisional Government's commissioners arrived in Washington, D.C., on February 3, 1893, and were well-received by the Harrison administration. Unfortunately for the Provisional Government, the pro-annexationist, President Harrison, was about to be succeeded by anti-annexationist, Grover Cleveland, on March 4, 1893. Although President Harrison had submitted a treaty of annexation on February 15 to the United States Senate for approval and it received support from the Senate Committee on Foreign Relations, it was impossible to schedule discussion of the treaty before Congress adjourned for Cleveland's presidential inauguration; and

"Whereas, on March 9, 1893, President Cleveland withdrew the treaty from the Senate. On March 11 he dispatched his own commissioner, James H. Blount, to investigate and report to him all that he could learn 'respecting the conditions of affairs in the Hawaiian Islands, the causes of the revolution by which the Queen's Government was overthrown, the sentiment of the people toward existing authority, and, in general, all that can fully enlighten the President touching the subject.' Blount left Washington, D.C., on March 14 and arrived in Hawai'i on March 29. Two days later, he ordered the American flag lowered and the American troops on the shore to return to their ships. Minister Stevens was relieved of his post and left Hawai'i on May 24, 1893; and

"Whereas, commissioner Blount completed his investigation on August 1, 1893, and submitted his report to Secretary of State William Gresham who, in turn, reported to President Cleveland. On December 18, 1893, President Cleveland provided Congress with a full report that condemned the role of the American minister and the United States marines in the overthrow of the Hawaiian monarchy and called for the restoration of Queen Lili'uokalani. The following are significant excerpts from his statement:

"The lawful Government of Hawai'i was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives * * *."

"But for the landing of the United States forces upon false pretexes respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's Government * * *."

"Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration * * *"

"By an act of war, committed with the participation of a diplomatic representative of the United States * * * the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair * * *. If a feeble but friendly state is in danger of being robbed of its independence and its sovereignty by a misuse of the name and power of the United States, then the United States cannot fail to vindicate its honor and its sense of justice by an earnest effort to make all possible reparation * * *. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality, that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory * * *. The Provisional Government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of intention to do so. Indeed, the representatives of that government assert that the people of Hawai'i are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power * * *. It would lower our national standard to endorse a selfish and dishonorable scheme of a lot of adventurers;" and

"Whereas, the Provisional Government protested President Cleveland's call for the restoration of the monarchy and continued to hold state power and pursue annexation to the United States. It successfully lobbied the Senate Foreign Relations Committee to conduct a new investigation into the events surrounding the overthrow to the monarchy. The committee, headed by Senator John Morgan, conducted hearings in Washington, D.C., from December 27, 1893, through February 26, 1894, in which they justified and condoned the actions of Minister Stevens and recommended the annexation of Hawai'i; and

"Whereas, although the committee was able to obscure the role of the United States in the overthrow of the Hawaiian monarchy, it was unable to rally the support from two-thirds of Senate needed to ratify a treaty of annexation. Nevertheless, President Cleveland and Congress staked out a special claim on Hawai'i and warned all foreign states that intervention in the political affairs of the islands would be considered an act unfriendly to the United States itself; and

"Whereas, in Hawai'i, the royalists continued their opposition to the Provisional Government and to annexation. Although they challenged the Provisional Government to hold elections the royalists decided to boycott the elections for a Constitutional Convention rather than sign an oath of allegiance to uphold the government that they despised. Only seven hundred forty-five Hawaiians voted in the elections for representatives to the Constitutional Convention for the Republic, although a total of 9,931 Hawaiians had voted in the 1892 elections, the last held under the monarchy; and

"Whereas, on July 4, 1894, the Provisional Government declared itself to be the Republic of Hawai'i. Only 1,126 Hawaiians took the oath of allegiance to the Republic's constitution and actually voted in the 1897 elections for representatives to the Republic's legislature. The figures clearly indicate that the Republic could not rightfully claim to represent the indigenous Hawaiian people; and

"Whereas, on January 7, 1895, the royalists organized an armed insurrection aimed at restoring the Queen to the throne; however, despite months of planning and amassing of arms smuggled in from the west coast of the United States, the restoration effort was crushed just as it was about to be launched; and

"Whereas, the Queen herself was arrested, tried, and found guilty for misprision or concealment of treason. She was sentenced to five years of hard labor and fined \$5,000. The Republic held her prisoner at Iolani Palace for eight months and then held her under house arrest at Washington Place for five months. They then restricted her to O'ahu for another eight months; and

"Whereas, on January 24, 1895, while prisoner in Iolani Palace and just prior to being brought to trial, Queen Lili'uokalani was forced to sign a statement of abdication in favor of the Republic Hawai'i. However, in 'Hawaii's Story by Hawaii's Queen,' the Queen renounced her abdication, contending that she had been coerced to sign the statement. She described her plight as follows:

"For myself, I would have chosen death rather than to have signed it; but it as represented to me that by my signing this paper all the persons who had been arrested, all my people now in trouble by reason of their love and loyalty towards me, would be immediately released. Think of my position, sick, a lone woman in prison, scarcely knowing who was my friend, or who listened to my words only to betray me, without legal advice or friendly counsel, and the stream of blood ready to flow unless it was stayed by my pen;" and

"Whereas, the arrests, trials, and imprisonment of the royalists suppressed the Hawaiian nationalist movement for a time; after 1895, there was never any organized armed effort to restore the monarchy or to assert Hawaiian sovereignty; and

"Whereas, in the election of 1896, William McKinley replaced Grover Cleveland as President of the United States of America. On May 4, 1898, after the outbreak of the Spanish-American War, the Newlands Joint Resolution for annexation of Hawai'i was introduced. On June 15, the House passed the resolution by a vote of 209 to 91, with 49 abstaining. On July 6, three days after the U.S. naval victory at Manila, the Senate passed the Newlands Resolution, 42 to 21, with 26 abstaining. President McKinley signed the Joint Resolution of Annexation on the following day; and

"Whereas, the formal transfer of sovereignty occurred in ceremonies on August 12, 1898 at the Iolani Palace; while most Hawaiians stayed home that day, there was widespread weeping, by those who did attend, when the Hawaiian flag was lowered and the American flag raised; and

"Whereas, the illegal annexation of Hawai'i to the United States through the Newlands Resolution was one of only two instances in American history that a territory was annexed through a joint resolution rather than through Senate ratification of a treaty. The other occasion was in 1845, when Congress directly annexed Texas into the United States as a state. In both cases, a

joint resolution was used because the proponents of annexation lacked the support of two-thirds of the members of the Senate. It has been questioned whether the United States Congress has the authority to admit territory into the union by joint resolution, for it is not specified that Congress has the power to acquire territory through any means other than conquest or treaty; and

"Whereas, an additional illegality of annexation was the absence of the expressed consent of the indigenous Hawaiians and proper compensation to them for the taking of their nationhood, lands, and ocean and financial resources; and

"Whereas, through the Newlands Resolution, the illegal Republic of Hawai'i ceded its self-declared right of sovereignty over the Hawaiian Islands to the United States. The Republic also ceded and transferred to the United States the stolen public, Government and Crown lands, including buildings and other public property. On its part the Congress of the United States, through the Newlands Resolution, accepted, ratified, and confirmed the cession, annexed Hawai'i as a part of the United States, and vested the property and sovereignty rights over Hawai'i to its own government; and

"Whereas, the Joint Resolution further directed the President of the United States to appoint five commissioners, including at least two residents of Hawai'i, to recommend legislation to Congress concerning the Hawaiian Islands and its governance. United States laws regarding the homesteading of public lands were not to apply to Hawai'i. Instead, the Resolution stipulated that Congress would have to enact special laws for the management and disposition of the public lands and that any revenues derived from them would be "solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes"; and

"Whereas, the resolution also specified that existing treaties between Hawai'i and foreign nations were to immediately cease and be replaced by United States Treaties with those nations; furthermore, all immigration of Chinese into Hawai'i was to stop and no Chinese would be allowed to enter the United States from the Hawaiian Islands; and

"Whereas, the Newlands Resolution effected a transaction between the Republic of Hawai'i and the United States Government. The indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum. It should also be noted that most native American peoples did not relinquish their sovereign claims to the United States government when their national lands were absorbed into the United States; and

"Whereas, in 1898, President McKinley appointed a commission to draft legislation for Hawai'i to be governed as a Territory of the United States. He selected Sanford B. Dole, President of the Republic of Hawai'i; Walter F. Frear, who became the first chief justice of the Territory's Supreme Court and was later appointed governor of the Territory of Hawai'i; Senator Cullom of Illinois; Senator J.T. Morgan of the Foreign Relations Committee whose hearings in 1894 had exonerated Minister Stevens and United States troops of any wrongdoing for their role in the overthrow of the monarchy; and Representative R.R. Hitt who had previously served in the diplomatic corps; and

"Whereas, these men drafted an act to provide a government for the Territory of Ha-

wai'i, called the Organic Act, which was passed by the 56th Congress of the United States on April 27, 1900, and was signed by the President on April 30, 1900. The Organic Act defined the political structure and powers of the Territorial Government and its relationship to the United States government; and

"Whereas six decades later, on August 21, 1959, Hawai'i became the fiftieth state of the United States of America, again without the expressed consent of the indigenous Hawaiians nor compensation to them; and

"Whereas, the 1959 removal of Hawai'i from the United Nations list of non-self-governing territories, at the request of the United States, again violated the indigenous Hawaiians' right to self-determination and decolonization as stated in the United Nations Charter and other United Nations policy documents. At no time did the United States, on behalf of the indigenous Hawaiians, attempt "to develop self-government", or "to assist them in the progressive development of their free political institutions"; instead, federal, territorial, and state policies promoted Western assimilation resulting in indigenous Hawaiians who suffer the worst health, social, and economic profiles of any ethnic group in their homeland; and

"Whereas, in the century since the 1893 armed invasion of Hawai'i and the 1898 annexation, many other illegal actions have been committed; and

"Whereas, the 1898 annexation resolution imposed a unique ceded lands trust of about two million acres, with "all revenues from these lands to be used solely for the benefit of the inhabitants of the Hawaiian Islands", that is, indigenous Hawaiians. The self-declared "trustees", the United States, state, and territorial governments, have continued to violate their own invented "trust", for no pledged benefits have reached the indigenous Hawaiian "beneficiaries"; and

"Whereas, also unilaterally imposed, the Hawaiian Homes Commission Act of 1920 created a "second land trust" of about two hundred thousand acres from the ceded lands trust for those of half or more indigenous Hawaiian ancestry, but with no provision for other indigenous Hawaiians. Thus, native people were divided against themselves; and

"Whereas, the State of Hawaii accepted the trust responsibility for the Hawaiian Homes Commission Act of 1920, as amended, as a compact with the United States; and

"Whereas, this trust responsibility is acknowledged in the State Constitution, Article XII, Sections 1 and 2, with the declaration that "the spirit of the Hawaiian Homes Commission Act looking to the continuance of the Hawaiian homes projects for the further rehabilitation of the Hawaiian race shall be faithfully carried out"; and

"Whereas, the ceded lands and the Hawaiian Home Lands were originally Government and Crown lands under the Hawaiian monarchy, and were held for the benefit of the Hawaiian community at large; and

"Whereas, the 1959 United States Admission Act further diminished indigenous Hawaiians' original and vested interest in their "ceded public" lands by creating five purposes for the ceded lands trust, only one of which was for indigenous Hawaiians, and then only for those of half or more Hawaiian ancestry. Again, no pledged revenues have reached the beneficiaries as required by federal and state statutes; and

"Whereas, many abuses of these trusts were already occurring during Hawai'i's territorial days, abuses which persisted and remained unaddressed for decades after Hawai'i achieved statehood status; and

"Whereas, such abuses in the case of Hawaiian Home Lands included the withdrawal of 13,574 acres by territorial governors and 2.36 acres by state governors through executive orders, the set aside of 16,586 acres for forest reserves by gubernatorial proclamation during the territorial period, and the use of these lands by state, county, and federal agencies without adequate compensation or record of transaction or formal conveyance; and

"Whereas, the inability and failure of the State of Hawaii to allocate adequate resources to properly administer the Hawaiian Lands program, as mandated by the 1978 constitutional amendment on legislative funding toward the full implementation of the Hawaiian Homes Commission Act, has resulted in valuable homestead lands being leased to non-beneficiaries in order to pay for administrative and program costs; and

"Whereas, the federal government has not provided sufficient funding over the years to assist the State of Hawaii in managing the Hawaiian Home Lands program, causing the State's managing agency, the Department of Hawaiian Home Lands, to struggle constantly with administrative problems, including the lack of an accountable system to prevent lost and misfiled homestead applications; and

"Whereas, in the seventy years since passage of the Hawaiian Homes Commission Act, there are fewer than 3,800 native Hawaiian families residing, farming, or ranching on only 17.5 per cent of the lands originally set aside for homesteading, with another 20,000 beneficiaries on the waiting list, some of whom have waited forty years or longer; and

"Whereas, the Department of Land and Natural Resources, charged since 1959 with the administration of the state ceded lands trust, had a 1979 audit conducted which revealed that the department had no public lands inventory and was unable to distinguish between ceded trust lands and non-ceded public lands; and

"Whereas, the audit further revealed that funds generated from the state ceded lands trust had been commingled with funds generated from non-ceded public lands and that trust funds may have been used for non-trust purposes; and

"Whereas, the 1978 state constitutional amendments provided for the creation of the Office of Hawaiian Affairs and, on behalf of the Hawaiian community for the betterment of the conditions of native Hawaiian, its entitlement of the pro rata sharing of income and proceeds derived from various categories of ceded lands; and

"Whereas, despite this constitutional mandate, many questions and problems still abound as to the native Hawaiian entitlement to a pro rata portion from ceded lands trust income and proceeds, as well as to whether certain lands are included in the trust; and

"Whereas, native Hawaiians have little or no say in the ultimate management and control of the state ceded lands trust while such lands continue to be used for purposes which clearly do not improve the conditions of these people;

"Whereas, the ultimate responsibility for the proper implementation of the intent of the Admission Act and the Hawaiian Homes Commission Act of 1920, as amended, with regard to the betterment of native Hawaiians, lies with the United States Congress and the federal government; and

"Whereas, throughout the decades of coping with problems over the management of

ceded and Hawaiian Home Lands, the United States Congress and the federal government have been conspicuously reluctant and silent in their leadership roles to provide sufficient funds and resources to the State of Hawaii in its role as trustee of ceded lands and Hawaiian Home Lands; and

"Whereas, both the United States and government 'trustees' in Hawai'i have failed to provide adequate funds for promised water and other basic infrastructure to eligible indigenous Hawaiians. In December 1991, the Hawai'i Advisory Committee to the United States Commission on Civil Rights' report labeled these violations 'A Broken Trust: 70 Years of Failure of the Federal and State Governments to protect the Civil Rights of Native Hawaiians'; and

"Whereas, the legacy for native Hawaiians of decades of neglect and minimal governmental support has been the dashed hopes of many desiring to make homes for their families, the disproportionately high incidence of incarceration, infant mortality, substance abuse, domestic violence, and other health and socio-economic problems, the extreme frustration, anger, and despair in seeing a future of little promise, and the lack of confidence in a government that has consistently ignored the inherent rights of the Hawaiian people; and

"Whereas, the insensitivity of government to the Hawaiian people is a grave injustice to one of America's indigenous races; and

"Whereas, it has only recently been under the administration of Hawaii's first native Hawaiian governor that sincere efforts were initiated to rectify the serious wrongs occurring under both federal Acts; and

"Whereas, the most appropriate and effective way to reverse the suffering of their people is for the indigenous Hawaiians to regain control of their lands and other resources; and

"Whereas, the citizens of the State of Hawai'i renew their recognition of the inherent sovereignty of indigenous Hawaiians and commit themselves to assist the process of indigenous Hawaiians re-establishing their sovereign Hawaiian government as requested by the Hawaiian people, with such powers, duties, and land, ocean, and financial resources as decided by the Hawaiian people. The governor and legislature, in this endeavor, must act within the full context of the Constitution of the United States of America. This renewed recognition in no way prejudices the full expression of sovereignty and self-determination by the Hawaiian people as is recognized by international law, including the United Nation's policy on decolonization and the special rights of indigenous peoples; now, therefore,

"Be it resolved by the House of Representatives of the Sixteenth Legislature of the State of Hawai'i, Regular Session of 1992, the Senate concurring, that the Legislature recognizes the breaches of trust responsibility between the State of Hawai'i and the Hawaiian people, to the extent that the State's executive and legislative branches of government did not advocate strongly enough on behalf of the Hawaiian community and therefore directly or inadvertently perpetuated abuses of the intent of the Admission Act and the Hawaiian Homes Commission Act of 1920, as amended; and

"Be it further resolved that the Legislature hereby extends a formal and sincere apology to the Hawaiian people for the subsequent suffering and pain of all Hawaiians adversely affected by such breaches of trust responsibility; and

"Be it further resolved that the citizens of the State of Hawai'i recognize the inherent

right of the indigenous Hawaiian people to sovereignty and self-determination; and

"Be it further resolved that the citizens of the State of Hawai'i call upon the President and the Congress of the United States of America to renew the recognition of and assist the re-establishment of a sovereign indigenous Hawaiian government, as requested by the Hawaiian people. As an initial step, redress requires recognition of indigenous Hawaiian rights of self-determination to a degree at least equal to those exercised by native American Indian and Alaskan tribes or nations. Redress requires confirmation of the United States' land trust obligations to the indigenous Hawaiian people. Such renewed recognition, re-establishment, and trust obligation confirmation shall be without prejudice to the indigenous Hawaiian people's inherent right to the full exercise of sovereignty, which they have never surrendered; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Office of Hawaiian Affairs, the President of the Association of Hawaiian Civic Clubs, the Chairperson of the Hawaiian Homes Commission, the Chairperson of the Board of Land and Natural Resources, the Governor of Hawaii, members of Hawaii's congressional delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of the Interior, the President of the United States, and the Secretary General of the United Nations."

POM-428. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL 92-3

"Whereas, State revenue growth has diminished dramatically, forcing budget reductions and tax increases in order to maintain federal services and programs; and

"Whereas, Rising costs and declining fiscal conditions of the states have resulted in financial difficulty for the states in financing federal programs; and

"Whereas, Immediate measures must be taken to ensure that the states will be given adequate funding and flexibility to carry out the federal programs that are turned over to them; and

"Whereas, Under article V of the constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the several states that the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

"Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States is hereby memorialized to call a limited constitutional convention pursuant to article V of the constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting the federal government from reducing the federally financed proportion of the necessary costs of any existing activity or service required of the states by federal law, or from requiring a new activity or service, or an increase in the level of an activity or service beyond that required of the states by existing federal law, unless the

federal government pays for any necessary increased costs. Be it further

"Resolved, That this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose. Be it further

"Resolved, That copies of this Memorial be sent to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of Colorado's congressional delegation and to each house of each state's legislature in the United States."

POM-429. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION NO. 21

"Whereas, The Department of the Army has announced a reduction in the size of the reserve forces, including the National Guard, and

"Whereas, The California Army National Guard would be required to reduce in size by 32 percent, a loss of about 7,000 soldier positions; and

"Whereas, The California Army National Guard is the sole and irreplaceable military force legally available and equipped to respond immediately to natural disasters and other emergencies at the direction of the Governor; and

"Whereas, The planned reduction will drastically and dangerously impair the capability of the state to respond quickly to the large numbers of emergencies which occur annually in California and the constant potential for wildfires, floods, and earthquakes of catastrophic proportion; and

"Whereas, The State of California is projected to dramatically increase in population in the next decade, increasing the potential magnitude of human risk from natural disaster; and

"Whereas, The state supports the reduction of the federal Armed Forces and of the costs to maintain them in time of peace; and

"Whereas, Reserve forces can be maintained in peacetime at about one-third the cost of active duty forces, and can be maintained combat ready and deployable on short notice as demonstrated in Operation Desert Storm; and

"Whereas, The citizens of the State of California object to a reduction in the California Army National Guard force structure; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature and the citizens of the State of California strongly urge the President of the United States, the Secretary of Defense, the Secretary of the Army, and the Congress of the United States to direct that the authorized strength of the force structure of the California Army National Guard shall not be reduced; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense of the United States, and to the Governor and the Adjutant General of the State of California."

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. BENTSEN, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 33. A bill to establish the Social Security Administration as an independent agency, and for other purposes (Rept. No. 102-304).

• Mr. BENTSEN. Mr. President, S. 33, the Social Security Administration Independence Act of 1992, was ordered reported by the Finance Committee on June 11. It would make a fundamental change in the structure for administering the Social Security programs. The bill removes the Social Security Administration from the jurisdiction of the Department of Health and Human Services and establishes it as an independent agency.

This independent agency proposal is almost identical to the proposal Senator MOYNIHAN and I introduced last year as S. 33. The differences are adjustments in effective dates and other minor, perfecting changes.

The proposal follows the recommendations made by the Staats Panel in 1985. This was a panel created by the Congress as part of the Social Security reform amendments in 1983. After thorough study, this panel of experts, headed by former Comptroller General Elmer Staats, recommended that an independent Social Security Agency should have a strong single administrator and a permanent bipartisan advisory board.

The bill provides that the Agency would be headed by a single Commissioner, appointed by the President and confirmed by the Senate. The Commissioner's 4-year term would coincide with that of the President.

The creation of an independent agency with a single administrator should produce the kind of strong leadership that is needed to protect the long-term interests of the Social Security program. The bill elevates the status of the Agency, which is now buried in the bureaucracy of the Department of Health and Human Services, and makes the position of Commissioner comparable in status and pay to the heads of other executive departments. These changes should make it possible to attract highly qualified individuals to the job of Commissioner by providing them with the stature and authority needed to manage what is one of the most important and complex organizations in our Government.

The Agency would have a seven member, bipartisan Advisory Board. Three members, including the chairman, would be appointed by the President, and two each would be appointed by the Senate and the House of Representatives. The Board would meet periodically during the year to advise the Commissioner on policy. It would not be involved in the day-to-day operational management of the Agency. The Board is intended to help produce a more deliberative and balanced decisionmaking process on important Social Security policy issues, and to deter

actions that might undermine the integrity and stability of the Social Security system.

I believe that making the Social Security Administration an independent Agency is a necessary step in assuring public confidence in the long-term viability of the Social Security program, and in improving the quality of service to more than 41 million beneficiaries and 132 million workers who pay Social Security taxes.

In my view, Mr. President, and in the view of the Finance Committee, it is time—in fact, long past time—to make Social Security an independent Agency. I hope that the committee's proposal to accomplish this, S. 33, will be approved by the 102d Congress.

I ask unanimous consent that the full text of S. 33 be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 33

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE; AMENDMENT OF SOCIAL SECURITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Administration Independence Act of 1992".

(b) AMENDMENT OF SOCIAL SECURITY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of Social Security Act; table of contents.

TITLE I—ESTABLISHMENT OF NEW INDEPENDENT AGENCY

Sec. 101. Establishment of Social Security Administration as a separate, independent agency.

Sec. 102. Commissioner of Social Security and other officers.

Sec. 103. Social Security Advisory Board.

Sec. 104. Personnel; budgetary matters; facilities and procurement; seal of office.

Sec. 105. Transfers to the new Social Security Administration.

Sec. 106. Transitional rules.

Sec. 107. Effective dates.

TITLE II—CONFORMING AMENDMENTS

Sec. 201. Amendments to titles II and XVI of the Social Security Act.

Sec. 202. Other amendments.

Sec. 203. Rules of construction.

Sec. 204. Effective dates.

TITLE I—ESTABLISHMENT OF NEW INDEPENDENT AGENCY

SEC. 101. ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS A SEPARATE, INDEPENDENT AGENCY.

Section 701 (42 U.S.C. 901) is amended to read as follows:

"SOCIAL SECURITY ADMINISTRATION

"SEC. 701. There is hereby established, as an independent agency in the executive branch of the Government a Social Security Administra-

tion (hereafter in this title referred to as the 'Administration'). It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI."

SEC. 102. COMMISSIONER OF SOCIAL SECURITY AND OTHER OFFICERS.

(a) IN GENERAL.—Section 702 (42 U.S.C. 902) is amended to read as follows:

"COMMISSIONER AND OTHER OFFICERS

"Commissioner of Social Security

"SEC. 702. (a)(1) There shall be in the Administration a Commissioner of Social Security (hereafter in this title referred to as the 'Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

"(3) The Commissioner shall be appointed for a term of 4 years coincident with the term of the President, or until the appointment of a qualified successor.

"(4) The Commissioner shall be selected on the basis of proven competence as a manager.

"(5) The Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

"(6) The Commissioner may prescribe such rules and regulations as the Commissioner determines necessary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(7) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Commissioner considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit, component, or provision provided for by this Act.

"(8) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Administration as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(9) The Commissioner and the Secretary of Health and Human Services (hereafter in this title referred to as the 'Secretary') shall consult, on an ongoing basis, to ensure—

"(A) the coordination of the programs administered by the Commissioner, as described in section 701, with the programs administered by the Secretary under titles XVIII and XIX of this Act; and

"(B) that adequate information concerning benefits under such titles XVIII and XIX shall be available to the public.

"Deputy Commissioner of Social Security

"(b)(1) There shall be in the Administration a Deputy Commissioner of Social Security (hereafter in this title referred to as the 'Deputy Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Deputy Commissioner shall be appointed for a term of 4 years coincident with the term of the Commissioner, or until the appointment of a qualified successor.

"(3) The Deputy Commissioner shall be compensated at the rate provided for level II of the Executive Schedule.

"(4) The Deputy Commissioner shall perform such duties and exercise such powers as the

Commissioner shall from time to time assign or delegate. The Deputy Commissioner shall be Acting Commissioner of the Administration during the absence or disability of the Commissioner and, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of the Commissioner.

"Solicitor

"(c)(1) There shall be in the Administration a Solicitor, who shall be appointed by the Commissioner. The Solicitor shall be the principal legal officer in the Administration.

"(2) The Solicitor shall be compensated at the rate provided for level IV of the Executive Schedule.

"(3) The Solicitor shall be responsible for managing the litigation of the Administration.

"Inspector General

"(d)(1) There shall be in the Administration an Office of the Inspector General. Such Office shall be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"(2) The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule.

"Beneficiary Ombudsman

"(e)(1) There shall be in the Administration an Office of the Beneficiary Ombudsman, to be headed by a Beneficiary Ombudsman appointed by the Commissioner.

"(2) The Beneficiary Ombudsman shall be appointed for a term of 5 years. An individual appointed to a term of office as Beneficiary Ombudsman after the commencement of such term may serve under such appointment only for the remainder of such term. An individual may, at the request of the Commissioner, serve as Beneficiary Ombudsman after the expiration of the term of such individual for not more than 1 year until a successor has taken office. An individual may be appointed as Beneficiary Ombudsman for additional terms.

"(3) The duties of the Beneficiary Ombudsman are as follows:

"(A) to represent within the policy-making process of the Administration the interests and concerns of beneficiaries (and potential beneficiaries) under the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI;

"(B) to review the policies and procedures of the Administration for possible adverse effects on such beneficiaries and potential beneficiaries;

"(C) to recommend within the policy-making process of the Administration changes in policies which have caused problems for such beneficiaries and potential beneficiaries;

"(D) to help resolve the problems under such programs of individual beneficiaries and potential beneficiaries in unusual or difficult circumstances as determined by the Commissioner; and

"(E) to represent within the policy-making process of the Administration the views of beneficiaries in the design of forms, the preparation of beneficiary notices, and the issuance of instructions.

"(5) The Commissioner shall ensure that the Office of the Beneficiary Ombudsman has staff sufficient to enable the Beneficiary Ombudsman to efficiently carry out the duties of the Office.

"(6) The annual report of the Commissioner under section 705 shall include a description of the activities of the Beneficiary Ombudsman.

"Chief Administrative Law Judge

"(f)(1) There shall be in the Administration an Office of the Chief Administrative Law Judge (hereinafter referred to as the "Office"). The

Office shall be headed by a Chief Administrative Law Judge. All functions in the Administration relating to hearings before an administrative law judge conducted in the Administration shall be under the operational control of the Chief Administrative Law Judge.

"(2) Notwithstanding any provision of title 5, United States Code, the Chief Administrative Law Judge described in paragraph (1) shall be appointed by the Commissioner in accordance with the procedures under this subsection, and shall oversee the activities of administrative law judges that conduct business in the Administration to ensure that such administrative law judges conduct hearings and any other administrative activities for the Administration in accordance with applicable laws and regulations.

"(3) To be eligible for appointment as Chief Administrative Law Judge, an individual shall have completed not less than 3 years of employment as an administrative law judge.

"(4) Prior to the appointment of a Chief Administrative Law Judge under this subsection, the Commissioner shall appoint a Nominating Panel (hereinafter referred to as the "Panel") not less than 90 days before such appointment. Each Panel shall be comprised of such individuals as the Commissioner determines to be appropriate and the Commissioner shall offer an appointment to the Panel to each of the following:

"(A) The Chairman of the Administrative Conference of the United States, or an individual representing the interests of the Administrative Conference of the United States.

"(B) The President of the American Bar Association, or an individual representing the interests of the American Bar Association.

"(C) The President of the Federal Bar Association, or an individual representing the interests of the Federal Bar Association.

"(D) Other individuals whom the Commissioner determines to be appropriate.

"(5) Members of the Panel shall be appointed for a term which shall terminate as specified under paragraph (13). A vacancy on the Panel shall be filled in the same manner as the initial appointment was made.

"(6) Members of the Panel who are not full-time Federal employees shall, while engaging in the business of the Panel (including travel time) be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the daily rate specified at the time of such service for level IV of the Executive Schedule.

"(7) While away from their homes or regular places of business on the business of the Panel, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(8) To the extent allowed by law, the head of each department and agency of the United States Government shall, upon the request of the Commissioner, provide information, assistance, and support to assist the functions of the Panel.

"(9) The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Panel.

"(10) The Commissioner shall supply such office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Panel.

"(11) The Panel shall submit to the Commissioner a list of 3 individuals who meet the requirements under paragraph (3) and whom the Panel determines to be qualified to serve as Chief Administrative Law Judge. Such list shall be submitted to the Commissioner as follows:

"(A) For the initial appointment of the Chief Administrative Law Judge, such list shall be submitted within 60 days after the appointment of the Panel under paragraph (4) and, notwith-

standing the 90-day time period described in paragraph (4), such initial appointment may be made at any time thereafter.

"(B) For an appointment to fill a vacancy that occurs before the completion of a term of the office of the Chief Administrative Law Judge, such list shall be submitted not more than 60 days after the Panel receives notice from the Commissioner of such vacancy.

"(C) For an appointment upon the expiration of a term of office of the Chief Administrative Law Judge, such list shall be submitted not less than 60 days before the date of expiration of such term of office.

"(12) The Commissioner may accept or reject a list submitted under paragraph (11). If the Commissioner rejects such list, the Commissioner shall appoint a Chief Administrative Law Judge, and send to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a written explanation of such decision to select an individual not included on such list to serve as Chief Administrative Law Judge.

"(13) A Panel appointed under this subsection shall cease to exist upon the selection by the Commissioner of an individual for appointment as Chief Administrative Law Judge.

"(14) For purposes of a reappointment of a Chief Administrative Law Judge by the Commissioner, paragraphs (4), (11), and (12), of this subsection shall not apply.

"(15) The Chief Administrative Law Judge shall report directly to the Commissioner, and shall serve for a term of 5 years, or until the reappointment of such Judge, or the appointment of a qualified successor.

"(16) Except as provided in paragraph (17), such Chief Administrative Law Judge shall not be removed from office by the Commissioner before the completion of the term of the appointment.

"(17) The Chief Administrative Law Judge may be removed from office by the Commissioner before completing the term of appointment if—

"(A) the Commissioner makes a finding, with respect to the Chief Administrative Law Judge, of neglect of duty or malfeasance in conducting the duties of the office; and

"(B) the Commissioner transmits such finding to the Speaker of the House and to the President pro tempore of the Senate.

"(18) The Chief Administrative Law Judge shall be compensated at the rate provided for level V of the Executive Schedule.

"Chief of Computer Systems Operations

"(g)(1) There shall be in the Administration a Chief of Computer Systems Operations, who shall be appointed by the Commissioner.

"(2) The Chief of Computer Systems Operations shall be compensated at the rate provided for level IV of the Executive Schedule.

"Director of Research

"(h)(1) There shall be in the Administration a Director of Research, who shall be appointed by the Commissioner.

"(2) The Director of Research shall be compensated at the rate provided for level V of the Executive Schedule.

"(3) The Director of Research shall plan and oversee the conduct of the major research and evaluation activities of the Administration.

"Chief Actuary

"(i)(1) There shall be in the Administration a Chief Actuary, who shall be appointed by the Commissioner.

"(2) The position of Chief Actuary shall be a Senior Executive Service Position under the provisions of subchapter 2 of chapter 31 of title V, United States Code, and shall be compensated at the highest rate of basic pay provided for the Senior Executive Service.

"(3) The Chief Actuary shall consult, on an ongoing basis, with the following:

"(A) the Commissioner;

"(B) the Chairman of the Committee on Finance in the Senate; and

"(C) the Chairman of the Committee on Ways and Means in the House of Representatives, concerning the financial status of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(b) CHIEF FINANCIAL OFFICER.—Section 901(b)(2) of title 31, United States Code, is amended by adding at the end thereof the following new subparagraph:

"(H) The Social Security Administration."

SEC. 103. SOCIAL SECURITY ADVISORY BOARD.

Section 703 (42 U.S.C. 903) is amended to read as follows:

"SOCIAL SECURITY ADVISORY BOARD

"Establishment of Board

"SEC. 703. (a) There shall be established a Social Security Advisory Board (hereinafter referred to as the 'Board').

"Functions of the Board

"(b) The Board shall advise the Commissioner on policies related to the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and on operations in the Administration. Specific functions of the Board shall include—

"(1) studying and making recommendations as to the most effective methods of providing economic security through Federal old-age, survivors, and disability insurance benefits under title II and supplemental security income benefits under title XVI;

"(2) studying and making recommendations relating to the coordination of other programs that provide economic and health security with programs described in paragraph (1);

"(3) making an independent assessment of the annual report issued by the Board of Trustees, as described in section 201, and issuing a report to the President and to the Congress summarizing such assessment;

"(4) making recommendations to the President of candidates to consider in selecting nominees for the position of Commissioner and Deputy Commissioner;

"(5) reviewing and assessing the quality of service that the Administration provides to the public;

"(6) making periodic assessments of the adequacy of computer technology of the Administration for support of program operations;

"(7) reviewing and assessing the progress of the Administration in developing needed improvements in the management of programs;

"(8) increasing public understanding of the social security system;

"(9) in consultation with the Commissioner, reviewing the development and implementation of a long-range research and program evaluation plan for the Administration;

"(10) reviewing and assessing any major studies of social security as may come to the attention of the Board; and

"(11) conducting such other reviews and assessments that the Board determines to be appropriate.

"Structure and Membership of the Board

"(c) The Board shall be composed of 7 members who shall be appointed as follows:

"(1) 3 members shall be appointed by the President, with the advice and consent of the Senate. Not more than 2 of such members shall be from the same political party.

"(2) 2 members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance.

"(3) 2 members (each member from a different political party) shall be appointed by the Speak-

er of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.

"Terms of Appointment

"(d) Each member of the Board shall serve for a term of 6 years, except that—

"(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(2) the terms of service of the members initially appointed under this section shall expire as follows:

"(A) The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

"(i) 2 years;

"(ii) 4 years; and

"(iii) 6 years.

"(B) The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

"(i) 4 years; and

"(ii) 6 years.

"(C) The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

"(i) 3 years; and

"(ii) 5 years.

"Chairman

"(e) A member of the Board shall be designated by the President to serve as Chairman for a term of 4 years, coincident with the term of the President, or until the designation of a successor.

"Compensation

"(f) Members of the Board shall be compensated as follows:

"(1) Members shall be paid at a rate equal to 25 percent of the rate for level III of the Executive Schedule.

"(2) For days when the Board or any authorized subcommittee of the Board meets, members who attend meetings on such days shall receive additional compensation in an amount equal to the daily equivalent of the rate for level III of the Executive Schedule.

"(3) Service on the Board shall not be treated as Federal service or employment for purposes of receiving any benefits under chapters 83, 84, and 87 of title 5, United States Code.

"Meetings

"(g) The Board shall meet not less than 6 times each year to consider a specific agenda of issues, as determined by the Chairman in consultation with the other members of the Board.

"Federal Advisory Committee Act

"(h) The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"Personnel

"(i)(1) The Board shall, without regard to title 5, United States Code, appoint a Staff Director who shall be paid at a rate equivalent to a rate for the Senior Executive Service.

"(2) The Board is authorized, without regard to title 5, United States Code, to appoint and fix the compensation of such additional personnel as the Board determines to be necessary to carry out the functions of the Board.

"(3) In fixing the compensation of additional personnel under paragraph (2), the Board shall not authorize that any individual appointed under such paragraph be compensated at a rate that is greater than the rate of compensation of the Staff Director described in paragraph (1)."

"Authorization of Appropriation

"(j) There are authorized to be made available for expenditure, out of the Federal Disability Insurance Trust Fund, the Federal Old Age and Survivors Insurance Trust Fund, and the general fund of the Treasury, such sums as the Congress may deem appropriate to carry out the purposes of this section.

SEC. 104. PERSONNEL; BUDGETARY MATTERS; FACILITIES AND PROCUREMENT; SEAL OF OFFICE.

(a) IN GENERAL.—Title VII is amended by redesignating sections 704 through 711 as sections 705 through 712, respectively, and by inserting after section 703 the following new section:

"ADMINISTRATIVE DUTIES OF THE COMMISSIONER

"Personnel

"SEC. 704. (a)(1) The Commissioner shall appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Administration under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

"(2) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(3) Notwithstanding any requirements of section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Administration a total number of Senior Executive Service positions which is substantially greater than the number of such positions authorized in the Social Security Administration in the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Administration Independence Act of 1992 to the extent that the greater number of such authorized positions is specified in the comprehensive work force plan as established and revised by the Commissioner under subsection (b)(1). The total number of such positions authorized for the Administration shall not at any time be less than the number of such authorized positions as of immediately before such date.

"(4) The authority and functions of the Office of Personnel Management under section 4703 of title 5, United States Code (relating to demonstration projects), to the extent such section relates to the demonstration project described in subsection (b) of section 104 of the Social Security Administration Independence Act of 1992, shall be exercised jointly by the Commissioner and the Director of the Office of Personnel Management.

"Budgetary Matters

"(b)(1) Appropriations requests for staffing and personnel of the Administration shall be based upon a comprehensive work force plan, which shall be established and revised from time to time by the Commissioner.

"(2) Appropriations for administrative expenses of the Administration are authorized to be provided on a biennial basis.

"(3) Funds appropriated for the Administration to be available on a contingency basis shall be apportioned upon the occurrence of the stipulated contingency, as determined by the Commissioner and reported to the Congress.

"Employment Restriction

"(c) The number of positions in the Administration which may be excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of such positions, may not exceed at any time the equivalent of 5 full-time positions.

"Seal of Office

"(d) The Commissioner shall cause a seal of office to be made for the Administration of such

design as the Commissioner shall approve. Judicial notice shall be taken of such seal."

(b) **DEMONSTRATION PROJECTS RELATING TO PERSONNEL MATTERS.**—As soon as practicable after September 30, 1993, the Commissioner of Social Security and the Director of the Office of Personnel Management shall jointly implement one or more demonstration projects under this subsection. Under each such project, for the period of its duration (which shall not exceed 6 years)—

(1) the Commissioner of Social Security may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical and professional employees who possess specific knowledge in the field of computer systems and such other fields as the Commissioner and the Director of the Office of Personnel Management consider appropriate whose compensation may be fixed by the Commissioner without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that such employees may not be paid at a rate in excess of the rate payable for level IV of the Executive Schedule;

(2) the Director of the Office of Personnel Management shall delegate to the Commissioner of Social Security (pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section) functions relating to—

(A) recruitment and examination programs for entry level employees; and

(B) classification and standards development systems and pay ranges for those job categories identified by the Commissioner in assuming such delegation; and

(3) the Commissioner may increase the rates of pay under the General Schedule for certain employment positions in the Administration in certain geographic regions if the Commissioner determines that in such geographic regions, with respect to the national average for the Administration—

(A) the level of difficulty of recruiting qualified individuals to fill such employment positions is higher than average; and

(B) the rate of retention of such qualified individuals is lower than average.

The Comptroller General of the United States, the Director of the Office of Personnel Management, and the Commissioner of Social Security shall each issue an interim report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects not later than December 31, 1997, and a final report, together with any recommendations, not later than December 31, 1999. Such reports shall include an evaluation of the readiness of the Commissioner of Social Security to assume permanent and full authority over the functions described in paragraphs (1), (2), and (3).

(c) **DEMONSTRATION PROJECTS RELATING TO DELEGATIONS FROM ADMINISTRATOR OF GENERAL SERVICES.**—As soon as practicable after September 30, 1993, the Commissioner of Social Security and the Administrator of General Services shall jointly implement one or more demonstration projects under this subsection. Under each such project, for the period of its duration (which shall not exceed 6 years), the Commissioner of Social Security shall have—

(1) all authorities permitted to be delegated under the provisions of Federal law codified under title 40 of the United States Code, relating to the acquisition, operation, and maintenance of the facilities needed for the administration of programs for which the Commissioner is given responsibility under the Social Security Act;

(2) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), relating to the lease, purchase, or maintenance of automated data processing equipment; and

(3) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

The Comptroller General of the United States, the Administrator of General Services, and the Commissioner of Social Security shall each issue an interim report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects not later than December 31, 1997, and a final report, together with any recommendations, not later than December 31, 1999. Such reports shall include an evaluation of the readiness of the Commissioner of Social Security to assume permanent and full authority over the functions described in paragraphs (1), (2), and (3).

SEC. 105. TRANSFERS TO THE NEW SOCIAL SECURITY ADMINISTRATION.

(a) **FUNCTIONS.**—There are transferred to the Social Security Administration all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Administration by reason of this title and the amendments made thereby. The Commissioner of Social Security shall allocate such functions in accordance with sections 701, 702, 703, and 704 of the Social Security Act.

(b) **PERSONNEL, ASSETS, ETC.**—(1) There are transferred from the Department of Health and Human Services to the Social Security Administration, for appropriate allocation by the Commissioner of Social Security in the Social Security Administration—

(A) the personnel employed in connection with the functions transferred by this title and the amendments made thereby; and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(3) Any individual who is an employee of the Department and who was not employed on the date of the enactment of this title, in connection with functions transferred by this title to the Administration, but who was so employed on September 30, 1993, may be transferred from the Department of Health and Human Services to the Social Security Administration by the Commissioner under subparagraph (A) of paragraph (1), after consultation with the Secretary of Health and Human Services, if the Commissioner determines such transfer to be appropriate.

(4) Any individual who is an employee of the Department and who was employed on the date of the enactment of this title, in connection with functions transferred by this title to the Administration, and who was so employed on September 30, 1993, shall be transferred from the Department of Health and Human Services to the Social Security Administration.

(c) **ABOLISHMENT OF OFFICE OF COMMISSIONER IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**—Effective upon the appointment of a Commissioner of Social Security pursuant to section 702 of the Social Security Act (as amended by this title)—

(1) the position of Commissioner of Social Security in the Department of Health and Human Services is abolished; and

(2) section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner of Social Security, Department of Health and Human Services."

SEC. 106. TRANSITIONAL RULES.

(a) **INTERIM AUTHORITY FOR APPOINTMENT AND COMPENSATION.**—At any time on or after the date of the enactment of this title—

(1) any of the officers provided for in sections 702 and 703 of the Social Security Act (as amended by this title) may be nominated and appointed, as provided in such section;

(2) the Advisory Council on Social Security provided for in section 707 of the Social Security Act (as amended by this title) may be appointed, as provided in such section; and

(3) the Commissioner of Social Security may prescribe regulations providing for the orderly transfer of proceedings before the Secretary of Health and Human Services to the Commissioner of Social Security.

Funds available to any official or component of the Department of Health and Human Services, functions of which are transferred to the Commissioner of Social Security or the Social Security Administration by this title, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this section until such time as funds for that purpose are otherwise available.

(b) **CONTINUATION OF ORDERS, DETERMINATIONS, RULES, REGULATIONS, ETC.**—All orders, determinations, rules, regulations, permits, contracts, collective bargaining agreements (and ongoing negotiations relating to such collective bargaining agreements), recognitions of labor organizations, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or the Secretary's delegate), and (B) which relate to functions which, by reason of this title, the amendments made thereby, and regulations prescribed thereunder, are vested in the Commissioner of Social Security; and

(2) which are in effect immediately before October 1, 1993,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Commissioner, except that any collective bargaining agreement shall remain in effect until the date of termination specified in such agreement.

(c) **CONTINUATION OF PROCEEDINGS.**—The provisions of this title (including the amendments made thereby) shall not affect any proceeding pending before the Secretary of Health and Human Services immediately before October 1, 1993, with respect to functions vested (by reason of this title, the amendments made thereby, and regulations prescribed thereunder) in the Commissioner of Social Security, except that such proceedings, to the extent that such proceedings relate to such functions, shall continue before such Commissioner. Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this title had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Commissioner, by a court of competent jurisdiction, or by operation of law.

(d) **CONTINUATION OF SUITS.**—Except as provided in this subsection—

(1) the provisions of this title shall not affect suits commenced prior to October 1, 1993; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in such officer's official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this title. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Administration, or such official of such Administration as may be appropriate, and, in any litigation pending immediately before October 1, 1993, the court may at any time, on the court's own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(e) **CONTINUATION OF PENALTIES.**—This title shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this title, the amendments made thereby, and regulations prescribed thereunder) is vested in the Commissioner of Social Security.

(f) **JUDICIAL REVIEW.**—Orders and actions of the Commissioner of Social Security in the exercise of functions vested in such Commissioner under this title (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders had been made and such actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately before October 1, 1993. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Commissioner shall continue to apply to the exercise of such function by such Commissioner.

(g) **EXERCISE OF FUNCTIONS.**—In the exercise of the functions vested in the Commissioner of Social Security under this title, the amendments made thereby, and regulations prescribed thereunder, such Commissioner shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of such functions in such Commissioner, and actions of such Commissioner shall have the same force and effect as when exercised by such Secretary.

(h) **REPORT.**—Within 6 months of the date of the enactment of this title, the Commissioner of Social Security and the Comptroller General of the United States shall each advise the chairmen and ranking minority members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the status of the transition to an independent Social Security Administration, including information as to timeliness in filling appointments, cooperation encountered in relationships with the Department of Health and Human Services and other agencies, and any technical problems resulting from the provisions of, and amendments made by, this title.

SEC. 107. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided in subsection (b), this title, and the amendments made by such title shall take effect October 1, 1993.

(b) **TRANSITIONAL RULES.**—Section 106 shall take effect on the date of the enactment of this title.

TITLE II—CONFORMING AMENDMENTS

SEC. 201. AMENDMENTS TO TITLES II AND XVI OF THE SOCIAL SECURITY ACT.

(a) **IN GENERAL.**—Title II (42 U.S.C. 401 et seq.) (other than section 201, section 218(d), sec-

tion 231(c), section 226, and section 226A) and title XVI (42 U.S.C. 1382 et seq.) (other than sections 1614(f)(2)(B) and 1616(e)(3)) are each amended—

(1) by striking, wherever it appears therein, "Secretary of Health and Human Services" and inserting "Commissioner of Social Security";

(2) by striking, wherever it appears therein, "Department of Health and Human Services" and inserting "Social Security Administration";

(3) by striking, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services", and only if it is used in reference to the Department of Health and Human Services) and inserting "Administration";

(4) by striking, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services): "Secretary", "Secretary's", "his", "him", "he", "her", and "she", and inserting (in the case of the word "Secretary") "Commissioner of Social Security", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the words "she" or "he") "the Commissioner"; (in the case of the word "her") "the Commissioner" or "the Commissioner's", as may be appropriate; and (in the case of the words "she" or "he") "the Commissioner"; and

(5) by striking, wherever it appears therein, "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(b) **AMENDMENTS TO SECTION 201.**—(1)(A) Sections 201(a)(3), 201(a)(4), 201(b)(1), and 201(b)(2) (42 U.S.C. 401(a)(3), 401(a)(4), 401(b)(1), and 401(b)(2), respectively) are each amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security"; and

(B) Sections 201(a)(3) and 201(b)(1) (42 U.S.C. 401(a)(3) and 401(b)(1), respectively) are each amended by striking "such Secretary" and inserting "such Commissioner".

(2) Section 201(c) (42 U.S.C. 401(c)) is amended—

(A) in the first sentence, by striking "shall be composed of" and all that follows down through "ex officio" and inserting the following: "shall be composed of the Commissioner of Social Security, the Secretary of the Treasury, and the Secretary of Health and Human Services, all ex officio"; and

(B) by striking "The Commissioner of Social Security shall serve as Secretary of the Board of Trustees."

(3) Section 201(g)(1)(A) (42 U.S.C. 401(g)(1)(A)) is amended—

(A) in clause (i), by striking "by him and the Secretary of Health and Human Services" and inserting "by him, the Commissioner of Social Security, and the Secretary of Health and Human Services", and by striking "by the Department of Health and Human Services and the Treasury Department" and inserting "by the Social Security Administration, the Department of Health and Human Services, and the Department of the Treasury";

(B) in clause (ii), by striking "method prescribed by the Board of Trustees under paragraph (4)" and inserting "applicable method prescribed under paragraph (4)", by striking "the Secretary of Health and Human Services" and inserting "the Commissioner of Social Security and the Secretary of Health and Human Services", and by striking "the Department of Health and Human Services" and inserting "the Social Security Administration and the Department of Health and Human Services"; and

(C) by striking the last sentence and inserting the following: "There are hereby authorized to be made available for expenditure, out of any or

all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title and title XVI for which the Commissioner of Social Security is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 other than those referred to in clause (i) of the first sentence of this subparagraph."

(4) Section 201(g)(1) (42 U.S.C. 401(g)(1)) is further amended by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) After the close of each fiscal year—

"(i) the Commissioner of Social Security shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of this title and title XVI and of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which should have been borne by the General Fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Fund, and (III) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund, and

"(ii) the Secretary of Health and Human Services shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of title XVIII which should have been borne by the General Fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Hospital Insurance Trust Fund, and (III) the portion of such costs which should have been borne by the Federal Supplementary Medical Insurance Trust Fund, except that the determination of the amounts to be borne by the General Fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the applicable method prescribed under paragraph (4) of this subsection.

"(C) After the determinations under subparagraph (B) have been made for any fiscal year, the Commissioner of Social Security and the Secretary of Health and Human Services shall each certify to the Managing Trustee the amounts which should be transferred from each of the Trust Funds to the General Fund in the Treasury and from the General Fund in the Treasury to each of the Trust Funds, in order to ensure that each of the Trust Funds and the General Fund in the Treasury have borne their proper share of the costs, incurred during such fiscal year, for (i) the part of the administration of this title and title XVI for which the Commissioner of Social Security is responsible, (ii) the part of the administration of this title and title XVIII for which the Secretary of Health and Human Services is responsible, and (iii) carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee shall transfer any such amounts in accordance with any certification so made."

(5) Section 201(g)(2) (42 U.S.C. 401(g)(2)) is amended, in the second sentence, by striking "established and maintained by the Secretary of Health and Human Services" and inserting "maintained by the Commissioner of Social Security", and by striking "Secretary shall furnish" and inserting "Commissioner of Social Security shall furnish".

(6) Section 201(g)(4) (42 U.S.C. 401(g)(4)) is amended to read as follows:

"(4) The Commissioner of Social Security shall utilize the method prescribed pursuant to this paragraph, as of immediately before the date of the enactment of the Social Security Administration Independence Act of 1992 for determining the costs which should be borne by the General Fund in the Treasury of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Board of Trustees considers such action advisable, the Board of Trustees may modify the method of determining such costs."

(7) Section 201(i)(1) (42 U.S.C. 401(i)(1)) is amended to read as follows:

"(i)(1) The Managing Trustee may accept on behalf of the United States money gifts and bequests made unconditionally to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or to the Social Security Administration, the Department of Health and Human Services, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds."

(8) Subsections (j) and (k) of section 201 (42 U.S.C. 401) are each amended by striking "Secretary" each place it appears and inserting "Commissioner of Social Security".

(9) Section 201(l)(3)(B)(iii)(II) (42 U.S.C. 401(l)(3)(B)(iii)(II)) is amended by striking "Secretary" and inserting "Commissioner of Social Security".

(10) Section 201(m)(3) (42 U.S.C. 401(m)(3)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(11) Section 201 (42 U.S.C. 401) is amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(c) AMENDMENTS TO SECTION 218.—Section 218(d) (42 U.S.C. 418(d)) is amended by striking "Secretary" each place it appears in paragraphs (3) and (7) and inserting "Commissioner of Social Security".

(d) AMENDMENT TO SECTION 231.—Section 231(c) (42 U.S.C. 431(c)) is amended by striking "Secretary determines" and inserting "Commissioner of Social Security and the Secretary jointly determine".

SEC. 202. OTHER AMENDMENTS.

(a) AMENDMENTS TO TITLE VII.—(1) Section 705, as redesignated by section 104(a), is amended to read as follows:

"REPORTS

"SEC. 705. The Secretary and the Commissioner of Social Security shall make full reports to Congress, not less than 120 days after the beginning of each regular session, of the administration of the functions with which they are charged under this Act. In addition to the number of copies of such reports authorized by other law to be printed, there is hereby authorized to be printed not more than 5,000 copies of each such report for use by the Secretary and the Commissioner of Social Security for distribution to Members of Congress and to State and other public or private agencies or organizations participating in or concerned with the programs provided for in this Act."

(2) Section 710(b)(2), as redesignated by section 104(a), is amended by striking "(as estimated by the Secretary)" and inserting "as estimated by the Commissioner of Social Security or the Secretary (whichever administers the program involved)".

(3) Title VII (42 U.S.C. 701 et seq.) is amended by adding at the end thereof the following new section:

"DUTIES AND AUTHORITY OF SECRETARY

"SEC. 713. (a) The Secretary shall perform the duties imposed upon the Secretary by this Act. The Secretary is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures as may be necessary for carrying out the functions of the Secretary under this Act."

(4) Section 707, as redesignated by section 104(a), is amended to read as follows:

"ADVISORY COUNCIL ON SOCIAL SECURITY

"SEC. 707. (a) During 1993 (but not before February 1, 1993) and every fourth year thereafter (but not before February 1 of such fourth year), the Commissioner shall appoint an Advisory Council on Social Security for the purposes of reviewing—

"(1) the status of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in relation to the long-term commitments of the old-age, survivors, and disability insurance program; and

"(2) such programs, including the scope of coverage and the adequacy of benefits under such programs, and the relationship of such programs to other programs providing income security, health benefits, and social services.

"(b) Each such Council shall consist of a Chairman and 12 other individuals, appointed by the Commissioner without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(c) Members appointed to each such Council under this section shall, to the extent possible, represent organizations of employers and employees in equal numbers, and represent self-employed persons and the public.

"(d)(1) Members of each such council who are not full-time Federal employees, while serving on business of the Council (including travel time), shall receive compensation at rates fixed by the Commissioner, but not to exceed the daily rate specified at the time of such service for level IV of the Executive Schedule.

"(2) While serving on business of the Council away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(e) Each such Council shall submit reports (including any interim reports such Council may have issued) of the findings and recommendations of such Council to the Commissioner not later than January 1 of the second year after the year in which such Council is appointed. The Commissioner shall thereupon transmit such reports and recommendations to the Congress and to the Board of Trustees of each of the Trust Funds described in subsection (a).

"(f) A Council appointed under this section shall cease to exist on the date immediately following the date prescribed for the transmittal to the Commissioner on the reports described in subsection (e)."

(5) Title VII is amended by inserting after section 707, as redesignated by section 104(a), the following new section:

"ADVISORY COUNCIL ON HOSPITAL AND SUPPLEMENTARY MEDICAL INSURANCE

"SEC. 707A. (a) During 1993 (but not before February 1, 1993) and every fourth year thereafter (but not before February 1 of such fourth year), the Secretary shall appoint an Advisory Council on Hospital and Supplementary Medical Insurance for the purposes of reviewing—

"(1) the status of the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Fund in relation to

the long-term commitments of the programs under parts A and B of title XVIII; and

"(2) such programs, including the scope of coverage and the adequacy of benefits under such programs, and the relationship of such programs to other programs providing income security, health benefits, and social services.

"(b) Each such Council shall consist of a Chairman and 12 other individuals, appointed by the Commissioner without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(c) Members appointed to each such Council under this section shall, to the extent possible, represent organizations of employers and employees in equal numbers, and represent self-employed persons and the public.

"(d)(1) Members of each such council who are not full-time Federal employees, while serving on business of the Council (including travel time), shall receive compensation at rates fixed by the Commissioner, but not to exceed the daily rate specified at the time of such service for level IV of the Executive Schedule.

"(2) While serving on business of the Council away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(e) Each such Council shall submit reports (including any interim reports such Council may have issued) of the findings and recommendations of such Council to the Commissioner not later than January 1 of the second year after the year in which such Council is appointed. The Commissioner shall thereupon transmit such reports and recommendations to the Congress and to the Board of Trustees of each of the Trust Funds described in subsection (a).

"(f) A Council appointed under this section shall cease to exist on the date immediately following the date of the transmittal to the Congress of the reports described in subsection (e)."

(6) Paragraph (2) of section 710(b), as redesignated by section 104(a), is amended by striking "(as estimated by the Secretary)" and inserting "(for amounts which will be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as estimated by the Commissioner, and for amounts which will be paid from the Federal Hospital Insurance Trust and the Federal Supplementary Medical Insurance Trust Fund, as estimated by the Secretary)".

(7) Sections 710 and 711, as redesignated by section 104(a), are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(b) AMENDMENTS TO TITLE XI.—(1) Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Administration' means the Social Security Administration, except where the context requires otherwise."

(2) Section 1106(a) (42 U.S.C. 1306(a)) is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking "Department of Health and Human Services" each place it appears and inserting "applicable agency";

(C) by striking "Secretary" each place it appears and inserting "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b), the term 'applicable agency' means—

"(A) the Social Security Administration, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Administration, or

"(B) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department."

(3) Section 1106(b) (42 U.S.C. 1306(b)) is amended—

(A) by striking "Secretary" each place it appears and inserting "head of the applicable agency"; and

(B) by striking "Department of Health and Human Services" and inserting "applicable agency".

(4) Section 1106(c) (42 U.S.C. 1306(c)) is amended—

(A) by striking "the Secretary" the first place it appears and inserting "the Commissioner of Social Security or the Secretary"; and

(B) by striking "the Secretary" each subsequent place it appears and inserting "such Commissioner or Secretary".

(5) Section 1107(b) (42 U.S.C. 1307(b)) is amended by striking "the Secretary of Health and Human Services" and inserting "the Commissioner of Social Security or the Secretary".

(6) Section 1110 (42 U.S.C. 1310) is amended—

(A) in subsection (a)(2), by inserting "(or the Commissioner, with respect to any jointly financed cooperative agreement or grant concerning titles II or XVI)" after "Secretary";

(B) in subsection (b)—

(i) by striking "Secretary" each place it appears and inserting "Commissioner"; and

(ii) by striking "the Secretary's" each place it appears and inserting "the Commissioner's"; and

(C) by striking "he", "his", "him", and "himself" each place they appear (except in subsection (b)(2)(A)) and inserting "the Commissioner", "the Commissioner's", "the Commissioner", and "himself or herself", respectively.

(7) Subsections (b) and (c) of section 1127 (42 U.S.C. 1320a-6) are each amended by striking "Secretary" and inserting "Commissioner of Social Security".

(8) Section 1128(f) (42 U.S.C. 1320a-7(f)) is amended by inserting after "section 205(g)" the following: "except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(9) Section 1131 (42 U.S.C. 1320b-1) is amended—

(A) by striking "Secretary" each place it appears and inserting "Commissioner of Social Security";

(B) in subsection (a)(1)(A), by adding "or" at the end thereof;

(C) in subsection (a)(1)(B), by striking "or" at the end thereof;

(D) by striking subsection (a)(1)(C);

(E) by redesignating subsection (a)(2) as subsection (a)(3);

(F) by inserting after subsection (a)(1) the following new paragraph:

"(2) the Secretary makes a finding of fact and a decision as to the entitlement under section 226 of any individual to hospital insurance benefits under part A of title XVIII, or"; and

(G) by striking "he" in the matter in subsection (a) following paragraph (3) (as so redesignated) and inserting "the Commissioner of Social Security".

(10) Section 1155 (42 U.S.C. 1320c-4) is amended by striking "(to the same extent as is provided in section 205(b))" and all that follows and inserting "(to the same extent as beneficiaries under title II are entitled to a hearing by the Commissioner of Social Security under section 205(b)). For purposes of the preceding sentence, subsection (l) of section 205 shall apply, except that any reference in such subsection to the Commissioner of Social Security or

the Social Security Administration shall be deemed a reference to the Secretary or the Department of Health and Human Services, respectively. Where the amount in controversy is \$2,000 or more, such beneficiary shall be entitled to judicial review of any final decision relating to a reconsideration described in this subsection."

(11) Sections 1101, 1106, 1107, and 1137 (42 U.S.C. 1301, 1306, 1307, and 1320b-7, respectively) are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(c) AMENDMENTS TO TITLE XVIII.—(1) Subsections (a) and (f) of section 1817 (42 U.S.C. 1395i) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(2) Section 1840(a) (42 U.S.C. 1395s(a)) is amended—

(A) in paragraph (1), by striking "Secretary" and inserting "Commissioner of Social Security", and by adding at the end thereof the following new sentence: "Such regulations shall be prescribed after consultation with the Secretary."; and

(B) in paragraph (2), by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(3) Section 1872 (42 U.S.C. 1395ii) is amended by inserting after "title II" the following: "except that, in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(4) Section 1869(b)(1) (42 U.S.C. 1395ff(b)(1)) and the last sentence of section 1876(c)(5)(B) (42 U.S.C. 1395mm(c)(5)(B)) are amended by inserting after "section 205(g)" the following: "except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(5) Sections 1817, 1862, and 1886 (42 U.S.C. 1395i, 1395y, and 1395wu, respectively) are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(d) AMENDMENTS TO TITLE XIX.—

(1) Section 1905(q)(2) (42 U.S.C. 1396d(q)(2)) is amended by striking "Secretary" and inserting "Commissioner of Social Security".

(2) Section 1910(b)(2) (42 U.S.C. 1396i(b)(2)) is amended, in the first sentence, by inserting after "section 205(g)" the following: "except that, in so applying such sections and section 205(l), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(e) AMENDMENT TO TITLE XX.—Section 2002(a)(2)(B) (42 U.S.C. 1397a(a)(2)(B)) is amended by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(f) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) by adding at the end of section 5311 the following new item:

"Commissioner, Social Security Administration.

(2) by adding at the end of section 5313 the following new item:

"Deputy Commissioner, Social Security Administration.

(3) by adding at the end of section 5315 the following new items:

"Solicitor, Social Security Administration.

"Inspector General, Social Security Administration.

"Chief of Computer Systems Operations, Social Security Administration.";

(4) by adding at the end of section 5316 the following new items:

"Chief Administrative Law Judge, Social Security Administration.

"Director of Research."; and

(5) by striking "Secretary of Health Education, and Welfare" each place it appears in section 8141 and inserting "Commissioner of Social Security".

(g) AMENDMENTS TO FOOD STAMP ACT OF 1977.—

(1) Sections 6(c)(3) and 8(e)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(3) and 2017(e)(6)) are each amended by inserting "the Commissioner of Social Security and" before "the Secretary of Health and Human Services".

(2) Sections 6(g), 11(f), and 16(e) of such Act (7 U.S.C. 2015(g), 2020(f), and 2025(e)) are each amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(3) Section 11(i) of such Act (7 U.S.C. 2020(i)) is amended by adding "the Commissioner of Social Security" after "the Secretary".

(h) AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 707 of title 14, United States Code, is amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(i) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—(1) Subsections (c)(1), (c)(2)(E), (g)(1), (g)(2)(A), and (g)(2)(B) of section 1402 of the Internal Revenue Code of 1986 (26 U.S.C. 1402) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(2) Section 3121(b)(10)(B) of such Code (26 U.S.C. 3121(b)(10)(B)) is amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(3) Subsections (d) and (f) of section 6057 of such Code (26 U.S.C. 6057) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(4) Section 6103(l)(5) of such Code (26 U.S.C. 6103(l)(5)) is amended—

(A) by striking "Department of Health and Human Services" and inserting "Social Security Administration"; and

(B) by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(5) Section 6511(d)(5) of such Code (26 U.S.C. 6511(d)(5)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(j) AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Section 3005 of title 38, United States Code, is amended by striking "Secretary of Health and Human Services" and "Secretary" each place they appear and inserting "Commissioner of Social Security".

(k) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking "and" at the end of subparagraph (U), and by adding at the end thereof the following new subparagraph:

"(V) of the Social Security Administration (to the extent provided in the Social Security Administration Independence Act of 1992), the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the sup-

plemental security income program under title XVI of such Act; and";

(2) in section 11(1), by striking "or" after "Commission" and inserting a semicolon, and by inserting after "Board," the following: "or the Commissioner of Social Security"; and

(3) in section 11(2), by striking "or" after "Information Agency," and by inserting after "Veterans' Administration" the following: ", or the Social Security Administration";.

SEC. 203. RULES OF CONSTRUCTION.

(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Administration.

(b) REFERENCES TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Commissioner of Social Security.

(c) REFERENCES TO OTHER OFFICERS AND EMPLOYEES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Administration.

SEC. 204. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall take effect October 1, 1993.

(b) EXCEPTIONS.—Subsections (a)(4), (f)(1), (f)(2), (f)(3), (f)(4), and (k) of section 202 shall take effect on the date of the enactment of this title.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

James B. Huff, Sr., of Mississippi, to be Administrator of the Rural Electrification Administration for a term of ten years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance

and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Thomas J. McInerney, xxx-xx-xxxx
U.S. Air Force.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BROWN, and Mr. NICKLES):

S. 2900. A bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the Act are carried out, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. GORE):

S. 2901. A bill to direct the Secretary of Health and Human Services to extend the waiver granted to the Tennessee Primary Care Network of the enrollment mix requirement under the Medicaid program; considered and passed.

Mr. SIMPSON (for Mr. WARNER (for himself and Mr. ROBB)):

S.J. Res. 324. A joint resolution to commend the NASA Langley Research Center on the celebration of its 75th Anniversary on July 17, 1992; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BROWN, and Mr. NICKLES):

S. 2900. A bill to establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) until certain studies and the reauthorization of the act are carried out, and for other purposes; to the Committee on Environment and Public Works.

MORATORIUM ON CERTAIN DRINKING WATER REGULATIONS

Mr. DOMENICI. Mr. President, today I am introducing legislation—along with the Senator from Colorado, Senator BROWN—to address the concerns that are being expressed by the Governors of this Nation, the municipalities of this country, and the citizens of this Nation regarding the Safe Drinking Water Act.

The last time Congress reauthorized the Safe Drinking Water Act was in 1986. During that process, the act was significantly changed to incorporate a list of contaminants to be controlled over a 10-year period. Presently, 35 contaminants are controlled under the act. That number will jump to 62 by the end of the year and to 84 by November 1993. By 1997, the number will grow still further to a total of 111 contaminants.

I might indicate, Mr. President, that many of these contaminants do not even exist in certain systems, in most of the systems, yet they have to be tested rather frequently under the current regulations.

In addition to the number of contaminants to be addressed, the number of systems covered under the program has increased from 40,000 systems at the time the original law was passed to over 220,000 systems today.

That means the very smallest systems in the United States, little tiny communities, are now covered by these rather large impositions, some of which make no sense at all.

Mr. President, I do not believe that there is anyone in this country who would support legislation that would endanger the health of our citizenry. However, there is a growing concern being raised that this act is placing a tremendous financial burden on our States and municipalities without providing a corresponding benefit; namely, there is no safety and health problem with most of these.

I have been inundated with letters from my State of New Mexico, my constituents, from both the State government and the municipalities who support changes to this program.

As a result of the concerns that have been raised, 18 months ago, I set up a task force of New Mexicans because I saw this train coming—including representatives from the State Environment Department and water systems throughout the State.

While the group is still refining their recommendations because the regulations are cumbersome and complicated and, I might say, very, very large in number, these recommendations will primarily be found in a proposal to approve a 4-year extension of the deadlines mandated in that act while EPA has an opportunity to review the programs.

A similar recommendation has just been endorsed by a bipartisan, regionally diverse group of Governors. These Governors have been meeting—at the request of the EPA—to review the program and to make appropriate recommendations on what changes need to be made. The Governors who participated in the review have recommended that until the Safe Drinking Water Act is reauthorized, States and localities should not be required to implement new regulatory requirements unless the regulations are necessary to address significant risks and unless resources are made available to help implement them.

Because of the serious concerns that are being raised by States all over the country, the bill I am introducing stops any further regulations from being implemented—beyond the 35 existing standards—until the Congress reviews and reauthorizes the act.

However, the bill which I am introducing, along with my friend from Col-

orado, Senator BROWN, provides the Administrator of the Environmental Protection Agency with the authority to implement additional regulations, after consultation with the States, if such action is justified because of the risks associated with a contaminant, taking into consideration the available resources for managing risks associated with drinking water.

In addition, the bill requires that EPA undertake a comprehensive review of the program and report back to the Congress within 12 months with specific recommendations on what changes are necessary.

Let me repeat, in addition to providing that if the EPA finds there are risks associated with a contaminant, they can continue to insist on the regulatory schemes. And in addition, the bill requires that EPA undertake a comprehensive review and report back to the Congress within 12 months with specific recommendations on what changes are necessary.

Mr. President, I do not pretend to know exactly how this program needs to be changed. I do know, however, that we are already controlling the most significant contaminants that need to be regulated to address the most significant health concerns. It is time for Congress to acknowledge that the law needs to be reviewed; that there just possibly is the chance we were wrong when we passed these 1986 amendments.

I am firmly convinced that we were, and that the scheme we implemented we either did not understand or, if we did, there is no way we could have understood the results on small municipalities across this country and taken into consideration the minor health and safety aspects of this matter.

So I encourage the authorizing committee to move. I also encourage Congress to acknowledge the need to stop any additional regulations until Congress does its job in reviewing and reauthorizing this program.

I would like to put the body on notice that I intend to try to move this legislation by way of an amendment at the earliest possible date, and I urge my colleagues to join in this effort. I believe, when they receive this bill and my request that Senators join me in this, scores of Senators from both sides of the aisle after hearing from their Governors and their municipalities, principally the smaller ones, will join and they will not be fearful that they are going to do anyone any harm because if there is harm involved we leave the EPA with the authority to continue regulation of those kinds of contaminants.

I sent the bill to the desk. I am very pleased that Senator BROWN of Colorado is my cosponsor. I ask unanimous consent that the bill be referred to the appropriate committee.

ADDITIONAL COSPONSORS

S. 194

At the request of Mr. MCCAIN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 194, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 290

At the request of Mr. MCCAIN, the name of the Senator from Florida [Mr. GRAHAM] was withdrawn as a cosponsor of S. 290, a bill to establish an Indian Substance Abuse Program, and for other purposes.

S. 405

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 405, a bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment.

S. 574

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 757

At the request of Mr. LEAHY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 757, a bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes.

S. 1381

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1381, a bill to amend chapter 71 of title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with disability compensation.

S. 1423

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1901

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cospon-

sor of S. 1901, a bill to amend title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Democracy Day."

S. 2560

At the request of Mr. SIMON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2560, a bill to reclassify the cost of international peacekeeping activities from international affairs to national defense.

S. 2606

At the request of Mr. WIRTH, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2606, a bill to further clarify authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands.

S. 2667

At the request of Mr. HEFLIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2682, supra.

S. 2873

At the request of Mr. BREAU, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2873, a bill to amend the Internal Revenue Code of 1986 to establish medical care savings benefits.

S. 2877

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2877, a bill entitled the "Interstate Transportation on Municipal Waste Act of 1992."

S. 2883

At the request of Mr. RIEGLE, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2883, a bill to amend title VII of the Tariff Act of 1930 to include interim processors within industries producing processed agricultural products, and for other purposes.

S. 2887

At the request of Mr. MCCONNELL, the name of the Senator from Arizona

[Mr. DECONCINI] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE, the names of the Senator from Indiana [Mr. COATS] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Florida [Mr. GRAHAM], the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. MITCHELL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from California [Mr. SEYMOUR], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week," and for other purposes.

SENATE JOINT RESOLUTION 319

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to designate the second Sunday in October 1992 as "National Children's Day."

AMENDMENTS SUBMITTED

FEDERAL HOUSING ENTERPRISES
REGULATORY REFORM ACTKASTEN (AND OTHERS)
AMENDMENT NO. 2453

(Ordered to lie on the table.)

Mr. KASTEN (for himself, Mr. BROWN, Mr. LOTT, Mr. COATS, Mr. SYMMS, Mr. BURNS, Mr. SMITH, Mr. HELMS, Mr. D'AMATO, Mr. SPECTER, Mr. MACK, Mr. GARN, Mr. MURKOWSKI, Mr. MCCAIN, Mr. PRESSLER, Mr. ROTH, Mr. SEYMOUR, Mr. NICKLES, Mr. GRASSLEY, Mr. DOLE, Mr. GRAMM, Mr. MCCONNELL, Mr. WALLOP, Mr. SIMPSON, and Mr. COCHRAN), proposed an amendment to amendment No. 2447 proposed by Mr. NICKLES to the bill (S. 2733) to improve the regulation of Government-sponsored enterprises, as follows:

Strike section 4 of the proposed amendment to the Constitution and insert the following:

"SEC. 4. Total receipts for any fiscal year shall not increase by a rate greater than the rate of increase in national income in the second prior fiscal year, unless a three-fifths majority of the whole number of each House of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law."

AUTHORITY FOR COMMITTEES TO
MEETSUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND
SPACE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee, of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on June 26, 1992, at 9:30 a.m. new technologies for sustainable world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Friday, June 26, 1992, at 10:30 a.m. to conduct a hearing on the report of the council on competitiveness entitled "Capital Choices: Changing the Way America Invests in Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, June 26, 1992, at 9:30 a.m., in open session, to receive a report from the Department of Defense on the review of pending, Navy and Marine Corps nominations, and to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT INFORMATION
AND REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Friday, June 26, 1992, at 11 a.m. on the subject: 2000 census.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 26, at 10 a.m. to hold hearings on Treaty Doc. 102-20, treaty between the United States and the U.S.S.R. on the reduction and limitation of strategic offensive arms—the START Treaty—and protocol thereto dated May 23, 1992, Treaty Doc. 102-32.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO BRADLEY NASH

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize one of West Virginia's distinguished citizens, Bradley Nash.

Mr. Nash—banker, decorated officer, philanthropist, mayor, advisor to Presidents, naturalist, historian, and author—has donated 65 acres of historically and culturally significant land to the Harpers Ferry National Historical Park in West Virginia. His latest donation, the High Acres Farm, has been his home since 1956.

Born in 1900, Bradley began a long and dignified career in public service in 1927 when he served as personal secretary to President Herbert Hoover. After working as a banker in New York for several years, Bradley spent time with the Reconstruction Finance Corp., working on such projects as the Oakland Bay Bridge.

From 1941-42, Bradley worked on the War Production Board, establishing the Smaller War Plant Corporation, which later became the Small Business Administration.

During the Second World War, he served in the Italian and North African campaigns. Lieutenant Colonel Nash earned a Bronze Star for meritorious service, and later a commendation medal from the War Department.

Bradley then served as a consultant to President Dwight D. Eisenhower, where his analysis of the Presidency led to the publication of his book, "Organizing and Staffing the Presidency."

He went on to serve as Deputy Undersecretary of Transportation at the Department of Commerce, and Deputy Assistant Secretary for the Air Force. He also served as mayor of Harpers Ferry, WV for 12 years.

Much of the land donated by Bradley has historical significance dating back to the Civil War. A Confederate encampment and battery position in the spring of 1861, Col. Thomas Jackson built the foundation of his Stonewall brigade on the former property of Bradley Nash.

On June 13, Bradley and his wife Ruth were honored by the National Park Service for their generous contributions to Harpers Ferry National Historical Park and for their "inspirational efforts in protecting our cultural and national heritage." I wish to extend him my best wishes and thanks for his contributions and service to the State of West Virginia and the United States.*

WHAT MY HOME MEANS TO ME

• Mr. CHAFEE. Mr. President, I rise today to recognize a group of youngsters who were awarded prizes as part of a "What My Home Means to Me" essay contest conducted by the Rhode Island Housing and Mortgage Finance Corp. [RIHMF], my State's housing agency. These children, whose ages range from 12 to as young as 4, certainly merit commendation for their well-written and creative essays. In addition, these essays reflect the importance of quality housing for the well-being and happiness of our children.

I am a strong supporter of the Mortgage Revenue Bond Program, which I believe should be extended permanently. Under the program, RIHMF and similar agencies across the country have been able to address the needs of citizens for safe and affordable housing. The thoughts and remarks of these youngsters contained in their award-winning essays serve as manifest proof of the success of the Mortgage Revenue Bond Program and the benefits of secure homes for our children and families.

Mr. President, I am including with my remarks copies of the winning essays, which I hope my colleagues will find enjoyable.

The essays follow:

WHAT MY HOME MEANS TO ME (By Sokunthea Sa)

My home means a lot to me. It means that I am protected from the bitter wind, rain, and snow in the winter. And it also protects me from the scorching sun in the summer. It gives me shelter, so I can come home from school everyday and find a warm house filled with love. I am very fortunate to have a home, with all the homeless people in the world. I love my home.

WHAT MY HOME MEANS TO ME (By David Woisard, age 9)

My home means a lot to me because now I can have a better life. When I used to live with my mom in different apartments. Sometimes I would see and hear a lot of bad stuff. Now I live with my dad, my stepmother and my brother and sister. They help me study and learn and play. They stuff my

tummy really good. My home means having a real family forever. Thank you, Rhode Island Housing.

WHAT MY HOME MEANS TO ME (By Jessica Pierno, age 11)

My home means the world to me. When I first heard we would be moving into a new house, I was disappointed. I didn't want to leave the only apartment we ever had. Once the move was made everything was fine. It didn't take long and my brother and I had a lot of new friends.

After being here only for two months, we had our first money problem. Dad had lost his job. Lucky for us, my parents had enough money in their savings to make the mortgage payments for the next six months. The pressure in our house for those six months was unbelievable. But my family's strong foundation kept everything together. Dad has a good job now and everything seems to be fine.

WHAT MY HOME MEANS TO ME (By Patricia Dorvil, age 12)

My house is a caring and warm house's. When it is raining or there's a storm it always keep me warm. It is a fresh clean house. I have my own room. The color of the outside of the house is yellow. We have a big yard. The yard has grapes and pears. We have also nice flowers in the summer. The grass is nice and green. My mother hates animals we don't have any pets only fishes. My school is near me I am so lucky. I have lots of friends in my school and my neighborhood. When my mother first bought the house she was happy. I was happy too. I felt great! My mother likes when the house is clean so every time when she sees some thing dirty she cleans it and I help her too. I like my house because it protects me I am happy that I live in a nice comfortable place. My home means lots of things.

WHAT MY HOME MEANS TO ME (By Jessica Monteiro, Age 10)

I like to live in my new house, because I get to bring my friends over to play with me, and my sisters. Im happy with my new house because I feel safe and not afraid. That someone, will tell me to stop playing or that, Im making a lot of noise. I thank God every day for my daddy and the people that help him to buy this wonderful house for me.

WHAT MY HOUSE MEANS TO ME (By Sam Coren, age 11)

I appreciate my house because there's plenty of space and the yard isn't cluttered. I'm also allowed to have pets now and turn the music up higher. Another advantage is there are no barking dogs or rowdy neighbors. My mother also has the opportunity to plant flowers and my brother, Greg has a swingset so we don't have to take anymore trips to the playground!

WHAT MY HOUSE MEANS TO ME (By Harmonie L. Arcisz, age 11)

My house means a lot to me. My new house is better than the old one. It has more rooms and a clean pool. It also has a yard. I have my own bedroom and a playroom. My cellar is big enough for me to roller skate in it. I like my new house because my brother has his own playroom so he won't bother me. My house is great, I really like it.

WHAT MY HOME MEANS TO ME (By Gregory Coren, age 4)

I like you—Mom, I like my food and I like my cat.

I like my swingset. I like my toys. I like my Brother Sam.

I like my Father to visit and to play and to listen to music and to cook.

WHAT MY HOME MEANS TO ME (By Wesphal Francois)

My house mean everything to me, because this is where I live and I have all my freedom.

WHAT MY HOME MEANS TO ME (By David Stolarski)

My home to me means comfort, ease, leisure, liberty, relief, recreation, rest, quiet, alleviation, well-being, cheer, snugness, abundance, gratification, luxury, warmth, coziness, pleasure, happiness, peacefulness, and freedom. Freedom to do what I wish in my own house, freedom to have any pet I wish for in my own house. My own house is a special place to me a place where after a school day I can go and do whatever I wish, that is freedom.

WHAT MY HOME MEANS TO ME (By Adam Couture)

What my home means to me is a chance to have a yard. A chance to have two dogs which I have. Also having a home means you have your own room. When you have a home you are more free because in an apartment people live and below you but the best thing about a home is having a bigger place to love your parents.

WHAT MY HOME MEANS TO ME (By Brandon Riley)

My home is the most important to me. It is a place where I can come after school. I can do my homework. It's a place where I can eat. I can be sheltered by my home for sleeping. I have a home for when it snows, rains, hails, or sleets so I won't get a cold. When it's warm I can go in my backyard and go in the pool. I love my home the most is for my families safety.

I am the twelve year old son of Mr. Mrs. Richard Riley of 16 Nathanael Ave. Pawt.

WHAT MY HOUSE MEANS TO ME (By Lauren Garlick)

My mom and dad saved a lot of money to buy this house. Now my brother and I have our own room. It was a little scary at first, because we where upstairs all by our selves. After a few days we got used to it. We have a nice backyard to play in. My dad bought a picnic table last summer. We ate out side alot. We could not do that at our apartment.

WHAT MY HOME MEANS TO ME (By Matthew Beaulieu, age 9)

My house is the best and I would never trade it for anything in the world. My house is special because I can play with my friends. I like my house because everyone can come to visit me at my house. I am lucky to have a home.

WHAT MY HOME MEANS TO ME (By Steven Beaulieu)

My home means the happiest place on the whole wide world to me. My home means a place to go when you're tired. A place that always brings happiness to me and my family. I can always go home if there is nothing to do. I can watch TV in my home, play all kinds of games, read a book, and write this letter. I love my home and I think its great.

WHAT MY HOME MEANS TO ME

(By Emily Lawrence)

I love my home. I'm glad to have it. My parents worked hard for it. So I should appreciate what they do for it. I like what my home looks like. The people who lived here took good care of it. I like to have my own room. The home I live in now is a lot better than my other home.

WHAT MY HOME MEANS TO ME

(By Jessica Cooney)

When I lived in the old apartment there was a mean lady named Sherry. We wanted to move because she was mean and scary. She and daddy had fights and it made me and mommy scared. That is why we like it here in our new house.

WHAT MY HOME MEANS TO ME

(By Viveka Ayala)

To me my home means safety. My home is safe because if I didn't have a home I'd be in the streets without a home that would mean I'd be wondering in the streets, and there'd be a big possibility that I'd use drugs. I wouldn't be going to school. If I was, the kids wouldn't like me and they'd call me names. I'd be alone having nowhere to go. No family and future.

WHAT MY HOME MEANS TO ME

(By Nicole Coviello)

I glad my mom bought this house because I get my own room to myself. I like my room a lot because I get to closet and one of them is my playroom. I see my friends through my window. Then I go outside and play tag outside my room I practice acrobats out in the hall upstairs.

WHAT MY HOME MEANS TO ME

(By Jamie Odone)

My house means a place to live with my family. I don't have to be cold at night, when times are tough I know I have a place to go. Our house has a lot of space. It's in a nice area; we all have land to share. It gives me a place to study so I can get a good education. I'm very grateful to have a house, I love and appreciate our homestead.

WHAT MY HOME MEANS TO ME

(By Kimberly Mitchell)

My home means a whole lot to me. Because when I was born the neighborhood I was born in was very rough. Where a lot of fighting went on. When I was three years old I thought I was moving and I was. I was so happy but I didn't know I was moving into a neighborhood worse than the one I was already living at. So on Dec. 1, 1990 I moved into this wonderful house. Thanks to the Rhode Island Housing my family, life and most of all home is super, super wonderful. You can imagine what my home means to me and it's all thanks to Rhode Island Housing.

LEONARD PELTIER

• Mr. ADAMS. Mr. President, 116 years ago today, June 25, 1876, nearly half the members of the U.S. Army's 7th Cavalry, under the direction of George Armstrong Custer perished in a famous battle along the Little Big Horn River. The aftermath of that battle had consequences for our Nation, for other Indian tribes and bands, and for many of

the descendants and survivors for the rest of their lives.

The following year, the remaining members of the 7th Cavalry, under the leadership of Col. Samuel Sturgis, whose own son, Lt. James G. Sturgis had perished with Custer, intercepted the band of Nez Perce Chief Joseph in the Bear Paw Mountains of Montana. Thus ended an epic flight for survival toward Canada, where the surviving 79 men, 178 women, and 174 children of the Joseph Band of Nez Perce hoped to join the Huncpapa Sioux leader Sitting Bull, then living in exile.

Following the Little Big Horn Battle, Sitting Bull and his band had retreated to Canada, where they remained until 1881, when he surrendered, through the mediation of the Canadian authorities, on a promise of a pardon. Upon returning to the United States, Sitting Bull was confined as a prisoner of war until 1883, after which he took up residence along the Grand River, in present day South Dakota. On December 15, 1890, Sitting Bull was murdered at his camp while allegedly resisting arrest.

On December 29, 1890, more than 300 men, women, and children from a traditional Sioux band led by Big Foot were slaughtered by the 7th Cavalry near the village of Pine Ridge, at a place called Wounded Knee.

There are many who would argue that each of those events in the history of the Federal Government's relations with the last of the native American tribes who resisted the effort to destroy their way of life are unconnected and unrelated episodes. However, a thoughtful reading of the events leading up to the Little Big Horn battle and its aftermath suggests that a basic failure to understand the unique culture, tradition, religion, and aspirations of native Americans in present-day South Dakota, and in the Pacific Northwest, led our Nation on a course that had tragic consequences. The memory of those tragic chapters in American history still endure for the descendants of those who perished at the Little Big Horn, in the Bear Paw Mountains, and at Wounded Knee.

Tomorrow, June 26, 1992, marks the 17th anniversary of a modern American tragedy, the consequences of which remain with us to the present time. On that summer day in June 1975, near Wounded Knee on the Pine Ridge Indian Reservation in South Dakota, three young men met their deaths in a shootout that took place in a camp on property owned by an Oglala elder named Harry Jumping Bull.

The three young men who lost their lives that day were 27-year-old Ronald Williams, 28-year-old Jack Coler, and 20-year-old Joe Stuntz. Ronald Williams and Jack Coler were both special agents of the Federal Bureau of Investigation. Joe Stuntz was a member of the Coeur d'Alene Indian Tribe. Agent Coler and Mr. Stuntz each left a widow

and two small children; Mr. Williams was a bachelor, survived by his parents and a sister. For the families and friends of those three individuals, the passage of time will never eliminate the sense of tragic loss that remains whenever they consider what might have been had the shootout not occurred.

No effort was ever undertaken to bring criminal charges relating to the death of Joe Stuntz. However, the death of these two agents on the Pine Ridge Indian Reservation triggered the biggest manhunt in FBI history. Four American Indians were later indicted and charged with murder. Charges against one of them were dismissed by the Government, and two others were tried and acquitted by a jury. In that case, considerable evidence was introduced tracing the recent history of Federal law enforcement activities against activists in various native American communities, most notably, the American Indian Movement [AIM], which was founded in Minneapolis, MN, in 1968.

The fourth native American implicated in the death of the Federal agents, Leonard Peltier, fled to Canada seeking political asylum, and was not tried by the jury that acquitted his two companions in July 1976. Following a controversial extradition, Mr. Peltier was tried the following year by a separate judge and jury in a different location, where evidence that had been admitted in the previous trial was excluded. He was found guilty of two counts of premeditated murder, and sentenced to serve two consecutive life terms in prison. After more than 15 years, the case of United States of America versus Peltier is still being litigated in our Federal court system.

Numerous appellate court decisions and law review articles have examined the unaddressed issues and unanswered questions that accompanied the arrest, prosecution, conviction, and incarceration of Leonard Peltier. A recent documentary film entitled "Incident at Oglala" has rekindled public interest in the case. And our distinguished colleague, the senior Senator from Hawaii [Mr. INOUE], in his capacity as chairman of the Senate Select Committee on Indian Affairs wrote to President Bush more than a year ago requesting an opportunity to meet and discuss this case. I wrote to President Bush in January of this year, urging that he grant Chairman INOUE's request for a meeting. I regret to note that Chairman INOUE's request remains unanswered.

Perhaps the most compelling arguments supporting Presidential consideration of the case of Leonard Peltier were supplied by the Honorable Gerald W. Heaney of the U.S. Court of Appeals for the Eighth Circuit. Judge Heaney was much more than a casual observer of the underlying facts and legal issues

involved in Mr. Peltier's case. He authored the 1986 opinion denying Leonard Peltier a new trial, and sat as a member of the court during a 1984 appeal. In his letter to Senator INOUE, Judge Heaney stated:

First, the United States government overreacted at Wounded Knee. Instead of carefully considering the legitimate grievance of the Native Americans, the response was essentially a military one which culminated in a deadly firefight on June 26, 1975 between the Native Americans and the FBI agents and the United States marshals.

Second, the United States government must share the responsibility with the Native Americans for the June 26 firefight. It was an intense one in which both government agents and Native Americans were killed. While the government's role in escalating the conflict into a firefight cannot serve as a legal justification for the killing of the FBI agents at short range, it can properly be considered as a mitigating circumstance.

Third, the record persuades me that more than one person was involved in the shooting of the FBI agents. Again, this fact is not a legal justification for Peltier's actions, but it is a mitigating circumstance.

Fourth, the FBI used improper tactics in securing Peltier's extradition from Canada and in otherwise investigating and trying the Peltier case. Although our court decided that these actions were not grounds for reversal, they are, in my view, factors that merit consideration in any petition for leniency filed.

Fifth, Leonard Peltier was tried, found guilty, and sentenced. He has now served more than fourteen years in the federal penitentiary. At some point a healing process must begin. We as a nation must treat Native Americans more fairly. To do so, we must recognize their unique culture and their great contributions to our nation. Favorable action by the President in the Leonard Peltier case would be an important step in this regard. I recognize that this decision lies solely within the President's discretion. I simply state my view based on the record presented to our court. I authorize you to show this letter to the President if you desire to do so.

I believe that Judge Gerald W. Heaney, in simply stating his views based on the record presented before the Eighth Circuit Court of Appeals, has performed a significant act of public service. Implicit in his reasoned analysis of this complex case is the recognition that, while the verdict in this case may remain sustainable under restrictive standards of review dictated by previous court decisions, for justice to be done in the case of Leonard Peltier, a wise and compassionate understanding of all the facts and circumstances that led up to this tragedy need to be understood.

There is a broader historical context through which the lives of hundreds of Federal authorities and Native Americans intersected on the Pine Ridge Indian Reservation 17 years ago. I believe our failure to understand that context, and the Federal Government's continuing refusal to, in the words of Judge Heaney, "share the responsibility with the Native Americans for the June 26

firefight(,)" are the primary reasons why international attention, and renewed public interest in the matter here at home, will not allow this case to fade from view.

In the years leading up to the founding of the American Indian Movement in 1968, many of the significant public controversies involving Indian rights were played out in the Pacific Northwest, and particularly in the State of Washington, over treaty fishing rights. Places like Franks Landing on the Nisqually River, and Cooks Landing on the Columbia River took on historical significance comparable to Selma, AL, and Little Rock, AR, in the struggle for basic human rights. The actions of various State law enforcement agencies, and state officials, were later described by the Ninth Circuit Court of Appeals:

Except for some desegregation cases [citations omitted] the district court has faced the most concerted official and private efforts to frustrate a decree of a federal court witnessed in this century.

Reacting to the violence being inflicted upon them during fish-ins, many American Indians in the Pacific Northwest embraced a militancy similar to that being adopted by other minorities at that time, including the Black Panthers in the African-American community and the Brown Berets in the Chicano community. Following the takeover of Alcatraz Island by native American activists in 1969, a similar occupation occurred in Seattle at Fort Lawton in 1970, under the direction of a group calling itself "the United Indians of All Tribes."

The boarded up Beacon Hill School was later occupied in early October 1972, claimed as a center for Seattle's growing Hispanic population, and named El Centro de la Raza. The growing movement to assert minority rights in Seattle drew the attention of law enforcement agencies from the local and Federal level, who too often viewed their activities as akin to the unpatriotic and subversive antiwar activities being mounted against United States involvement in Vietnam.

Leonard Peltier spent a number of his formative years as part of Seattle's urban Indian community. In the late 1960's, he owned an automotive repair shop, above which was located an informal drop in center for native Americans recently arrived in the city. His personal interest, and later involvement, in the reawakened struggle to protect Indian rights was a direct result of witnessing the clashes between treaty fishermen and State authorities at Franks Landing and Cooks Landing during those years.

Mr. Peltier was one of those arrested during the takeover at Fort Lawton. He later took part in the Trail of Broken Treaties in October and November 1972. That highly publicized, cross-country protest march from Seattle to

Washington, DC, culminated in the takeover and occupation of the Bureau of Indian Affairs headquarters in Washington, DC, just before Election Day. Following a 5-day occupation of the BIA headquarters, the American Indian Movement was classified an extremist organization by the FBI, and on January 8, 1973, the leaders of the Trail of Broken Treaties were added to the Bureau's list of key extremists. Though later restored through court ruling, Federal antipoverty funds were withdrawn from AIM schools in St. Paul, Minneapolis, and Milwaukee.

Beginning in 1972, the lives of Agent Ronald Williams and Leonard Peltier were already moving along curiously parallel paths that would intersect at the Jumping Bull Compound on June 26, 1975. Following graduation from the California State College at Los Angeles, Mr. Williams entered the FBI in a clerical capacity in 1965 and subsequently joined the U.S. Army, where he served as a communications specialist from 1966 to 1969, attaining the rank of sergeant. Upon completion of military duty, Mr. Williams returned to Bureau service in Los Angeles, and became a special agent in April 1972. He was assigned in 1972 to the FBI field office in Seattle, was transferred to Minneapolis in 1973, and was serving as resident agent in Rapid City, SD, at the time of his death.

The extent to which the Seattle, Minneapolis, and Rapid City offices of the Federal Bureau of Investigation were actively taking note of the activities of members of the American Indian Movement, and the increasingly militant treaty rights activities of other native Americans in those locales during the late 1960's and early 1970's has never been fully examined. Unfortunately, our Federal Government continues to this day in resisting the release of thousands of pages of documents requested by the defense in the Peltier case. Many of those documents might well shed additional light as to why, in Judge Heaney's opinion:

*** the United States government overreacted at Wounded Knee. Instead of carefully considering the legitimate grievances of the Native Americans, the response was essentially a military one which culminated in a deadly firefight on June 26, 1975 between the Native Americans and the FBI agents and the United States marshals.

If President Bush is not moved to meet with Chairman INOUE and consider granting some broader and more general relief in this matter, I certainly hope he will instruct Attorney General Barr and FBI Director Sessions to release all documents pertaining to the so-called RESMURS investigation, and all documents relating to the American Indian Movement from 1968 up to the date of the trial of Leonard Peltier.

The current Government appeal of a lower court ruling directing the release of a 54-page transcript received by the

FBI from South Dakota authorities is a good case in point. The destruction of various tapes and computer indexes and the assertion of national security grounds for refusing to release documents, 17 years after the event, raise serious questions about the Government's willingness to ever allow the full story of the incident at Oglala to be told. I hope that the Senate Judiciary Committee will consider holding hearings to examine the full range of Government conduct with respect to the American Indian Movement before, during, and after the trial of Leonard Peltier.

Bluntly stated, a growing public interest in learning all the facts regarding the case of Leonard Peltier will not go away. Amnesty International considers Mr. Peltier a political prisoner, and nearly 20 million Europeans, including many Russians, have signed petitions supporting clemency. Respected world leaders including the Archbishop of Canterbury and South African Archbishop Desmond Tutu have taken up his cause, and the Spanish Human Rights Commission awarded Leonard Peltier its 1986 International Human Rights Prize. When representatives of our Government raise the question of human rights abuses with their counterparts from other countries, they are frequently asked, "But what of the case of Leonard Peltier in your own country?"

For the families, friends, and agents of the Federal Bureau of Investigation who still mourn the loss of Special Agent Ronald A. Williams and Special Agent Jack R. Coler, their deaths in the line of duty have earned them respect and continuing remembrance as FBI service martyrs.

And those who honor the memory of Joe Stuntz will always remember him as a young native American who was willing to risk his life in support of the rights of traditional people on the Pine Ridge Indian Reservation, far from his own lands in the Pacific Northwest.

The author Peter Matthiessen, in his book "In the Spirit of Crazy Horse," well stated the dilemma many of us face in examining the underlying causes, the uncontested facts, and the unanswered questions that haunt this episode in American history, when he wrote:

With the passage of time, the events of June 26, 1975, were being portrayed in the bright proud colors of Crazy Horse and the days of Lakota glory, when what has happened at Oglala was not glorious at all but sad and ugly. Three young men had lost their lives and the death list was still growing, quite apart from the many surviving victims whose lives had been contaminated and stained.

On the other hand, the Peltier case, like that of Sacco and Vanzetti, had historic reverberations that went far beyond what happened at Oglala. The federal agencies had encouraged the conflict between Indian factions, and the traditional Indians had been fighting for survival, and in the stark light

of those medieval years down on Pine Ridge, talk of guilt or innocence in the inevitable shoot-out seemed beside the point: whether or not he killed the agents, Leonard Peltier deserved a new trial, not only because of dishonest proceedings at Vancouver and Fargo and Los Angeles but because of accumulating evidence that the authorities had wanted him out of the way whether he was guilty or not.

In concluding my remarks here in the Senate today, I return once again to the thoughtful commentary of Judge Heaney, who stated:

At some point, a healing process must begin. We as a nation must treat Native Americans more fairly. To do so, we must recognize their unique culture and their great contributions to the nation.

I am pleased to inform the U.S. Senate, that in the Pacific Northwest, and particularly in my own State of Washington, that healing has begun.

At Franks Landing on the Nisqually, an old dugout cedar canoe has a place of honor on the river bank. Confiscated in the early 1970's during a fish-in, the canoe was returned to its rightful owner by the Washington State Game Department several years ago. No longer being harassed, arrested, and jailed, or called a renegade by law enforcement, the canoe's owner, Bill Frank, Jr., is now a nationally recognized leader in the cooperative effort to restore salmon runs for all citizens of the State. In recognition of his work, Bill Frank was recently chosen to receive the prestigious Albert Schweitzer Award from the Johns Hopkins University.

On the land once known as Fort Lawton, where Leonard Peltier and more than 100 other native Americans were arrested, a magnificent building, the Daybreak Star Indian Cultural Center now stands. Bernie Whitebear, a Colville Indian who led the earlier takeover, now serves as executive director of the United Indians of All Tribes Foundation, one of several outstanding organizations providing services to Seattle's nearly 20,000-member American Indian and Alaskan Native community.

And on Seattle's Beacon Hill, El Centro de la Raza has earned an impressive list of honors for its work, including recent designation as one of President Bush's own "thousand points of light." The Seattle Municipal League last week honored El Centro's executive director Roberto Maestas with its prestigious Outstanding Citizen of the Year Award. For the last 15 years, a Leonard Peltier support group has had an office at El Centro de la Raza, continuing the effort to secure his freedom.

Perhaps the greatest example of the kind of healing to which Judge Heaney refers occurred when Gov. Booth Gardner of Washington State met with representatives of all the State's treaty tribes to sign a centennial accord, pledging a new era of government-to-

government cooperation between the State and the tribes.

Despite those examples of healing the wounds of this Nation's historical dealings with native Americans, the case of Leonard Peltier remains unresolved and without closure. That is one of the primary reasons why I wrote to President Bush on January 17, 1992, in support of Chairman INOUE's request for a meeting to discuss this case. I advised the President,

Our country has embarked upon a year of recognition and reflection upon the 500th anniversary of the voyage of Christopher Columbus. I know that many native Americans, together with thousands of Americans whose ancestors followed the voyage of Columbus to this land, would appreciate your attention to the case of Leonard Peltier.

It is my hope that the views of Judge Gerald Heaney, coupled with the thoughtful advice of Senator INOUE, might well bring President Bush to consider the views of millions of people from around the world who feel now is the time to free Leonard Peltier, and to let the healing begin.●

THE CONTINUING VIOLENCE IN SOUTH AFRICA

● Mr. SIMON. Mr. President, political violence in South Africa's townships has claimed the lives of 5,000-6,000 people since the release of Nelson Mandela from prison in 1990. I strongly condemn the continuing destruction of innocent lives. Just last week, there was a terrible massacre of over 40 residents of Boipatong, South Africa, many of them children, by gangs from a nearby workers' hostel.

It is even more appalling that according to details in Western media reports, the South African police seem to have done nothing to stop the attacks, have been accused of escorting the killers to and from the hostel, and have now relaxed their cordon around the hostel. Demonstrators protesting the massacre and the visit of President de Klerk to the area were fired upon by police, with at least three people killed in front of a foreign reporter.

Several weeks ago, I introduced in the Senate a resolution condemning the ongoing violence, warning that its continuation would surely destroy prospects for peaceful dialog leading to a democratic transition. I am sorry to say that this is becoming a reality. The ANC National Executive Council has now withdrawn from bilateral negotiations with the government.

To return South Africa to the path toward democracy, the de Klerk government must act decisively to regain people's confidence. Citizens must be able to count on their government for protection and for justice. Threats to reimpose the state of emergency, which gave police sweeping powers for so many years, are counterproductive to the needed spirit of justice and reconciliation.

It goes without saying that the Government should immediately undertake an independent investigation of the conduct of the police before, during, and after the massacre on Wednesday, and of the circumstances under which the protesters were shot on Saturday. Those responsible for violations should be prosecuted. The Government should find ways to address the needs of victims of political violence and their families. The security forces need to be restructured and put under more democratic control. Another positive step would be to close the workers' hostels, longstanding breeding grounds for violence.

The United States should also investigate the nature of the violence in South Africa and the roles of various participants in its continuation. The United States needs to assure South Africans that we are committed to an end to the violence and a resumption of the democratic transition process.

It is commendable that the State Department has announced plans to grant \$250,000 for the assistance of victims of violence in South Africa. Continued support of victims' relief funds will help to heal the terrible legacy of the violence.

The international community should make every effort to help ensure the resumption of the peaceful negotiations process. Nelson Mandela has asked the U.N. Security Council to help mediate the conflict. The Council should consider all possibilities of providing assistance, including the option of sending U.N. observers to monitor the situation, as Archbishop Tutu has recommended.

DR. CHARLES J. BENSMAN

• Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator, who has dedicated 30 years to improving education in this country. Dr. Charles J. Bensman will retire from his position as president of Thomas More College on August 1, 1992, ending a tenure that has been filled with honor and success.

Dr. Bensman began his commitment to education many years before coming to Thomas More College. He began his career in higher education in 1962 as the assistant director of admissions at the University of Dayton where he helped redesign the marketing effort to high schools, thereby improving the visibility and efficiency of their recruiting process. He also was dean of academics and student services at West Shore Community College in Scottsville, MI, and the president of Nebraska Western College. He improved Nebraska Western's standing by increasing ties with the community and other educational institutions. More recently, Dr. Bensman served as president of Briar Cliff College in Sioux City, IA, from 1977 to 1986. At Briar

Cliff, he was instrumental in securing national grants and gifts in the amount of \$3.5 million. He also established the first diocesan pastoral scholarship program and expanded the curriculums offered including music, computer science, and mass communications.

Since Dr. Bensman became the 10th president of Thomas More College in August 1986, the college has obtained financial security, academic excellence, increased enrollment, and enhanced recreational facilities. He is credited with raising it from a small liberal arts school to a nationally respected college. For the last 3 years, the school has been listed in U.S. News & World Report's top 100 liberal arts schools.

Thomas More benefited from Dr. Bensman's experience in finding and applying for grants. The college secured over \$3 million from national grants and was able to expand their facilities to include a convocation/athletic center. An outreach of the main campus to learning sites in Ohio, Indiana, and Kentucky has been established, and this would not have been possible without the funds that Dr. Bensman helped procure.

Dr. Bensman has always been concerned with the quality of life for students and has dedicated his life to the improvement of Thomas More every day of his tenure. Without his guidance the college would not be where it is today.

Dr. Charles J. Bensman has certainly made an enormous contribution to the students, faculty, administration, and staff at Thomas More College, as well as the surrounding community. He is a dedicated professional who will undoubtedly continue to have a significant presence in Kentucky long after his official retirement. I congratulate Dr. Bensman on his many years of educational and community service, and wish him all the best in the future.

Mr. President, please include the following article from the Cincinnati Post into today's CONGRESSIONAL RECORD.

The article follows:

[From the Cincinnati Post, June 11, 1992]

THOMAS MORE LOSING LEADER

(By Jeannie Houck and Debra Ann Vance)
Charles J. Bensman, the president of Thomas More College for the past six years, is resigning effective Aug. 1.

Bensman, 58, said in a press release he has concluded now is the "most opportune time to transfer the mantle of responsibility to a new and energetic individual."

Wednesday night, he said health problems also are a factor in his resignation. He declined to elaborate.

Bensman said he expects within 60 days to be able to say what his next career move will be.

"I have several things that I am considering at this point, and I've made no definite decision, but I'm looking at a variety of things," he said.

Bensman said he could not detail the alternatives "because of the confidential nature

of it." He said he will remain available to Thomas More "in an advisory capacity."

Robert Ruberg, a member of the college's board of trustees, said he expects a national search for Bensman's replacement to take six to eight months.

In the interim, Father William Cleves, dean of arts and sciences, will serve as acting president of the Crestview Hills college, Ruberg said.

"We're all saddened to see (Dr. Bensman) resign," Ruberg said. "We feel he did an excellent job for the college, and we wish him the very best."

Bishop William Hughes said Thomas More will miss the enthusiastic leadership of Bensman.

"Since coming to this college in 1946, he has dedicated himself wholeheartedly to the improvement of the college," Hughes said in a prepared statement.

"He has endeared the college to the leadership of the Greater Cincinnati metropolitan area in a way that has engendered strong community support for Thomas More."

Hughes praised Bensman's fund-raising ability and the physical improvements he has made on the campus.

He also said Bensman was instrumental in developing a strong and diverse board of trustees.

Bensman became president of the college in August 1986. He said in the press release that he embarked upon a program to bring financial stability and academic excellence to the school while increasing enrollment and improving recreational facilities.

"I am pleased to report significant successes on each of these goals," he said.

"The college will have a balanced budget for the 1992-93 year. The graduates of Thomas More consistently gain acceptance to the law schools, medical schools and graduate schools of their choice."

"The U.S. News and World Report has ranked Thomas More in the top 100 liberal arts colleges in the United States for the past three years."

"Enrollment for 1992-1993 is up 4 percent. The Four Seasons Sports facility was added in 1987, and the convocation center was added in 1989."

Bensman said Wednesday night there was another accomplishment of which he is proud.

"Along with all the academic things, two years ago we inaugurated Division III football, and last year the team went undefeated."

Bensman served as president of Briar Cliff College in Sioux City, Iowa, for nine years before accepting the position at Thomas More.

Bensman also was president of Nebraska Western College in Scottsbluff, Neb., from 1974 to 1976.

He was academic dean at West Shore Community College in Ludington, Mich., from 1970 to 1974 and superintendent of the Marion Local School District in Maria Stein, Ohio, from 1964 to 1970.

HONORING BUDDY MELGES

• Mr. KASTEN. Mr. President, I rise today to recognize the achievement of one of my most distinguished constituents—Buddy Melges of Zenda, WI.

Buddy is a personal friend of mine. My family and I have fond memories of sailing with Buddy on Big Cedar Lake in Wisconsin. I can certainly attest to the unique style and vigor he brings

forth as one of America's most celebrated sailors.

According to the New York Times:

Melges is sailing's closest thing to a folk hero. His conversation is peppered with glib remarks that often come on the heels of laughter. But he has a serious and accomplished side, too. He has won two Olympic medals and numerous world championships.

Buddy has long been known as the "Wizard of Zenda" because of the Olympic Gold Medal he won for yachting in 1972, using sails and gear from Melges Boat Works in his hometown.

Buddy Melges was coskipper of the America's Cup winner—*America3*. He served as coskipper with owner Bill Koch of the America's Cup winner—*America3*.

At 62, after winning U.S. Yachtsman of the Year three times, and two Olympic gold medals, there isn't much more he could do; and now he takes home an America's Cup victory. This victory of Buddy Melges and his squad was well deserved, and it is a source of pride to all Wisconsinites.

Mr. President, I ask my Senate colleagues to join me in saluting the championship of Buddy Melges and the rest of the America's Cup team. They have done us proud. •

ILLINOIS STATE UNIVERSITY EARTH DAY CELEBRATION

• Mr. SIMON. Mr. President, last April I had the opportunity to speak to a group of students at Illinois State University at Bloomington/Normal in observance of Earth Day. I was impressed that so many students braved what turned out to be a rather cold Illinois April day. I was recently reminded of the ISU Earth Day Committee's efforts when I received articles about that well-executed event.

Mr. President, the responsibility to preserve and protect our natural resources for the enjoyment of future generations should be one of our highest priorities. I commend the students at Illinois State University, particularly David DeRousse and Archana Mathur, the ISU Earth Day '92 chairpersons, for their commitment, vision and leadership on behalf of the environment.

Every week I receive letters from students who are concerned about our environment. They are idealistic. They want to start recycling programs in their communities; they offer me advice on preserving the rainforests; they tell me what they and their families are doing in their homes. This is very encouraging. These students are our future, and I, for one, am confident that they will continue to work toward preserving our fragile environment.

Mr. President, I would like to insert into the RECORD an article from the ISU student newspaper, the *Daily Vidette*, entitled "Students Link Hands for Diversity." Again, I offer my

congratulations and my appreciation to these students for their good works.

The article follows:

STUDENTS LINK HANDS FOR DIVERSITY

(By Kendra Casey)

ISU students joined hands on the Quad Wednesday afternoon to emphasize the importance of supporting cultural diversity.

As part of the ISU Earth Day celebration, approximately 175 students gathered to express their support of cultural diversity for the third annual "Hands Across Campus," sponsored by Public Relations Students Society of America.

David DeRousse, student body vice president, participated in "Hands Across Campus."

He said he believes the event "can be beneficial to get people together and make them think about these issues. 'Hands Across Campus' serves as a reminder for those who do not think about cultural diversity every day."

He said he believes cultural diversity is a good cause.

"It is a celebration of diversity and I think it is really important," he said. "I do realize that many people view 'Hands Across Campus' as ineffective, but I believe it makes a difference."

To protest the event, one student stood in front of the main stage and held up a sign which read, "Holding hands is not enough."

John Cain, ISU senior, said he is protesting the event for three reasons.

"Reason No. 1, this is just another example of white men trying to dictate what actions are appropriate for people of color. No. 2, this is an empty gesture, it does not encourage people to challenge their own racism. No. 3, it says nothing about other forms of racism that exist in this white, male-dominated society," he explained.

Cain did not join hands for the demonstration. He held his protest sign high for the entirety of "Hands Across Campus," which lasted approximately 15 minutes.

He remained in front of the main stage during the proceeding 15-minute speech by Gloria-Jeanne Davis, assistant to the president of minority affairs.

To begin her speech, Davis instructed the students present to join hands.

"Do not be discouraged. You have done something great here," Davis said.

She said although not many students joined hands, hundreds of students passed by during the demonstration and the message was successfully communicated.

"I am an advocate of a bias-free environment, one that practices what it preaches," she said.

Davis said a bias-free environment is not a responsibility of one particular group, such as the government.

"It is a responsibility of each of us," she said.

She gave several suggestions for creating a bias-free environment.

She said communicators should use gender-neutral words, select pronouns which include both sexes and mention age only when relevant.

"Most Americans claim not to be prejudiced, yet most people behave in prejudicial ways," she said.

She said by choosing bias-free words, a neutral environment can be created.

Davis said she believes it is appropriate that diversity is celebrated on Earth Day.

"The belief that culture is only associated with race and color is false," she said. "We must include not only people of color, but

also groups of individuals with similar characteristics. We are also talking about groups of individuals who share similar values."

Davis said many believe treating everyone the same brings justice.

"Treating everyone the same doesn't mean treating everyone fairly," she said.

Davis said she does not subscribe to the melting-pot theory.

"I like the tossed salad theory, which allows each of us to bring unique qualities. I don't mind being the cheddar cheese and you being the croutons," she said.

"I would hate to have the same dish every day," she added. "I think different ingredients can make for a tasty meal."

Graduate student Janine Stoerner told the *Daily Vidette* she joined hands Wednesday in hopes that communication about cultural diversity at ISU can be improved.

"I am a strong proponent of cultural diversity," she said.

She said she believes ISU has a problem with communicating about this topic and hopes joining hands will be a successful way to begin the communication process.

She said it is time for people to stop trying to understand cultural diversity and begin accepting it.

"Diversity should not just be celebrated on one day of the year, but every day," Davis concluded. •

REFORM OF THE 1872 MINING LAW

• Mr. BUMPERS. Mr. President, there has been a lot of talk recently from President Bush about the importance of amending the Constitution to require a balanced Federal budget. However, when it comes down to actually doing something that will help alleviate the budget deficit by preventing the transfer of thousands of acres and billions of dollars' worth of hardrock minerals located on federally owned land every year for virtually nothing under the 1872 mining law, we hear nothing. Instead, the President continues to support these taxpayer giveaways of billions each year to the hardrock mining companies, many of which aren't even U.S.-owned.

Under the 1872 mining law, any person who discovers what he thinks to be a valuable mineral deposit on Federal land can locate a claim by posting a notice and recording the claim with the BLM. Simply by filing and recording, the miner receives free access to his claim and use of the surface for mining and development. Rights to a claim may be maintained indefinitely if, the miner demonstrates that he has performed at least 100 dollars' worth of work on the claim annually.

A miner with a valid claim can gain ownership of the land by obtaining a patent by showing that he has found a valuable deposit and that a total of \$500 has been spent working on the claim. The patent may then be purchased for the same fee as in 1872: \$5 an acre for a lode claim and \$2.50 an acre for a placer claim.

These miners, whether they obtain patents or continue to mine pursuant to their claims, pay the U.S. Govern-

ment absolutely nothing in royalties for the right to recover valuable hardrock minerals, such as gold, silver, and copper. These companies argue that if they are forced to pay a royalty, even a modest 5-percent rate, to the Government for mineral production on public land, it will bankrupt them. However, many of these same companies find themselves capable of paying royalties of 12.5 percent or more to private landowners and still make a profit. Meanwhile, every other industry which uses public lands or extracts resources from them pay the Government for such use. However, mining companies don't pay a single red cent regardless of the value of the minerals they extract.

In a statement I recently made on this floor, I described one of the most egregious examples of the problems with the 1872 mining law. The Stillwater Mining Co., in Stillwater, MT, has applied for patents on more than 2,000 acres of public land containing—by the company's own estimates—32 billion dollars' worth of platinum and palladium. Including Government survey and processing fees, Stillwater will pay a mere \$20 an acre for this land and absolutely nothing for the minerals. If the Government were to charge a royalty of 12½ percent for this mine, we would recover approximately \$4 billion. Even a 5-percent royalty would bring in \$1.6 billion, enough to make at least a small dent in the deficit.

Mr. President, not only is it an outrage that we are giving away valuable public land and minerals for nothing, but we are giving much of it away to foreign countries. A recent survey by the Mineral Policy Center found that out of the 25 largest gold mines in the United States, 15 were foreign owned and three others were 40 to 90 percent foreign owned. The biggest gold company, the Newmont Gold Co. in Nevada, is 49 percent owned by Sir James Goldsmith of Great Britain. As Congressman BEN NIGHTHORSE CAMPBELL of Colorado so aptly put it: "They—the foreign companies—get the gold, and we get the shaft."

Recently it was suggested on the floor of the Senate that the 1872 mining law has been amended numerous times and has sufficiently kept up with the times. However, Mr. President, while some changes have been made over the years, the basic structure of the law has remained unchanged since the days of Ulysses S. Grant.

Land is sold for \$2.50 and \$5 per acre—the same prices as set in 1872.

Mining companies are charged no royalties for the minerals they extract from Federal lands—the same as in 1872.

People are receiving patents for public land which they have no intent of using for mining—just as in 1872.

Mr. President, it is time that we put an end to this anachronistic process. It

is time that we finally enact meaningful mining law reform. It is time that we stop subsidizing foreign mining companies. It is time that the administration end its demagoguery about constitutional amendments and instead ensure that the taxpayers receive a fair return for our public lands.

Mr. President, I understand that over the next several weeks opponents of substantive reform of the 1872 mining law will be informing us about how well the 1872 mining law has worked. I intend to follow these discussions closely and look forward to participating in the debate. I anticipate that we will attempt to address these issues in a comprehensive manner in the Energy Committee shortly and report a bill to the floor for the full Senate to consider this year.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for David Steele, a member of the staff of Senator DECONCINI, to participate in a program in China, sponsored by the Far East Studies Institute and the Chinese People's Institute of Foreign Affairs, from July 4 to 19, 1992.

The committee has determined that participation by Mr. Steele in this program, at the expense of the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.●

PRACTICAL WAY OF PREVENTING ILLITERACY

● Mr. SIMON. Mr. President, I was at a meeting where there were some literacy graduates. It was a function sponsored by the Coors Brewing Co. I do not always agree with the Coors people on some of their stands, but their contribution and leadership in this field is greatly appreciated.

While there, I was handed a letter by Lynn Futrell. She also handed it to several others.

Here is a person who, not too long ago, was functionally illiterate, but now is interested in helping others, is attending college, and tells a story about how we can help others.

I really believe there is a huge resource of good will out there in the public, people who are willing to participate in giving a helping hand to others.

We have not done a very effective job of encouraging that.

I am grateful to Lynn Futrell, but I'm also grateful to the people who gave Lynn Futrell a helping hand.

I ask that her statement be printed in the RECORD at this point.

MARIETTA, SC.

To Whom It May Concern:

I would like to give you my idea of ways to help prevent illiteracy. And, hopefully, it can help with some other problems as well: high school drop outs, poverty and adult illiteracy. I feel that undereducation is the root source of most, if not all, of life's problems.

I see no reason for children to grow up and become illiterate adults. In fact, I happen to feel that we are pushing illiterate children through the "system" every year. Most children go through school and do fairly well, but there are always 2 or 3 children who just cannot quite keep up with the rest of the class for whatever reason. There may be several factors that contribute to the child's faltering: trouble at home, bad hearing, poor eye sight, learning problems, or labeling, just to name a few.

Whatever the reason for the lagging behind, the fact remains that the child will eventually fall through the cracks of the "system." This same child may be able to make something good of his life, or maybe not.

I think we have the resources to change the outcome of these future lives. If we get the community and parents to volunteer to tutor the "at risk" kids we can change this.

There would be no need to raise taxes or anything like that. If you show the people the problem and then give them the solution, they will help. If we could just organize so that the program worked like the literacy programs do, one on one teaching with tutors, the program would work. Even if the tutor just helped the student with his homework or gave extra help, there would be a great difference in that child's life. Just to know that someone really cares can make a world of difference to a failing child.

There is so much more I could say but it would take so much time to write it out. I think we can stop this problem if someone with power will help. I am only one person. I cannot do it by myself, but if you will help, we can make a difference. The children need someone to take the time to care.

If someone had not taken time to care about me, I would still be functionally illiterate, but thanks to some very special people I am now a college student studying to be a teacher. If you are interested in helping, please write to me.

LYNN FUTRELL.●

COMMENDING NASA LANGLEY RESEARCH CENTER'S 75TH ANNIVERSARY

Mr. SIMPSON. Mr. President, I send the enclosed joint resolution to the desk on behalf of Senator WARNER and Senator ROBB, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 324) to commend the NASA Langley Research Center on the celebration of its 75th anniversary on July 17, 1992.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 324), with its preamble, reads as follows:

S.J. RES. 324

Whereas, in 1917, the first civilian aeronautical research laboratory of the National Advisory Committee for Aeronautics (NACA) was established in Hampton, Virginia;

Whereas such laboratory, now called the NASA Langley Research Center (hereafter referred to in this Resolution as the "Center"), occupies 787 acres of government-owned land;

Whereas the official groundbreaking ceremonies for the Center were held on July 17, 1917;

Whereas the Center is the United States Government's oldest, most prolific and most honored aerospace laboratory;

Whereas the Center supports the Nation by studying the basic problems of flight, selecting certain of those problems for investigation, and following up with practical solutions to such problems through long-term research and test programs;

Whereas the first United States manned space program, Project Mercury, began at the Center in 1958;

Whereas the Center supports investigations and research in space technology and advanced space transportation systems, designs concepts for large space structures, and develops research hardware and conducts experiments in space;

Whereas the Center makes major contributions to national atmospheric research such as developing satellite experiments, modeling the atmosphere and analyzing climate observations;

Whereas from the beginning, people have been the most important resource of the Center with over 3,000 civil servants and over 2,200 contract personnel university researchers and United States Army helicopter research personnel currently working at NASA Langley;

Whereas the Center is comprised of many facilities unique in the world of aerospace research, five of which have been designated as National Historic Landmarks by the Department of the Interior; and

Whereas the Center is one of the leading aerospace research laboratories in the world and has consistently been a source of technology that has made aerospace a major factor in commerce and national defense: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does commend the NASA Langley Research Center as it celebrates its 75th anniversary on July 17, 1992, and as it continues expanding the frontiers of flight.

Mr. WARNER. Mr. President, I rise today to commend the NASA Langley Research Center on the celebration of its 75th anniversary which will occur on July 17, 1992.

In 1917, the country's first civilian aeronautical research laboratory was established in Hampton, VA. Today, that lab, now called the NASA Langley Research Center, is the U.S. Government's oldest, most prolific and most honored aerospace facility. This national resource has had a profound impact on man's journey into air and space.

NASA Langley helped establish the foundation and infrastructure for aeronautics and space technology in this country. Researchers at the Center helped create the tools and train the scientists, engineers, managers, and leaders who have made aerospace history throughout this century.

NASA Langley supports the Nation by studying the basic problems of flight, selecting certain problems for investigation and developing solutions through long-term research and test programs. As a result, NASA Langley has had a major influence on nearly every aircraft in service.

In addition, NASA Langley supports research in space technology, advanced space transportation systems and concepts for large space structures. The first U.S.-manned space program, Project Mercury, began at Langley and Langley was the training site for the original seven astronauts. Later, Langley managed such programs as Lunar Orbiter, which mapped the surface of the Moon for the Apollo landings, and the Viking mission to Mars. NASA Langley is also a major contributor to national atmospheric research.

Occupying almost 800 acres of Government-owned land, the NASA Langley Research Center is comprised of many facilities unique in the world of aerospace research, five of which have been designated national historic landmarks by the Department of the Interior.

For 75 years, the people at NASA Langley have built new research tools, invented new technologies, provided practical solutions to aerospace problems and developed leaders for the aerospace industry. The Center has consistently been a source of technology that has made aerospace a major factor in commerce and national defense.

The U.S. Senate salutes the NASA Langley Research Center as it celebrates its 75th anniversary July 17, 1992. May it continue expanding the frontiers of flight.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LYME DISEASE AWARENESS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of Calendar No. 517, House Joint Resolution 459, designating "Lyme Disease Awareness Week"; that the joint resolution be deemed read three times, passed and the motion to reconsider be laid upon the table, and the preamble agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 459) was deemed read three times and passed.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 500 through 514; that the committee amendments where appropriate be agreed to; that the joint resolutions be deemed read three times and passed and the motion to reconsider the passage of these joint resolutions be laid upon the table en bloc; that the preambles be agreed to en bloc and the amendments to the preamble where appropriate be agreed to; that the amendment to the title, where appropriate, be agreed to; and further that the consideration of these items appear individually in the RECORD and any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BATTLE OF GUADALCANAL REMEMBRANCE DAY

The joint resolution (S.J. Res. 248) designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 248

Whereas the allied forces military campaign in the Solomon Islands of the South Pacific was the first American offensive action of World War II in the Pacific;

Whereas the focus of that campaign was the island of Guadalcanal;

Whereas the American military invasion of Guadalcanal began on August 7, 1942, with the amphibious landing of Major General Alexander A. Vandegrift's 1st Marine Division;

Whereas, on October 13, 1942, the commitment of United States Army ground forces to the Battle of Guadalcanal began with the landing of the 164th Infantry Regiment of the American Division, a unit of the North Dakota Army National Guard, making that Army unit the first to engage in offensive combat action in the Pacific theater during World War II;

Whereas throughout the campaign the United States Navy, particularly the South Pacific Naval Task Force under the command of Vice Admiral William F. Halsey which was the principal naval force during the Naval Battle of Guadalcanal in November of 1942, provided the naval support that was critical to the victory of American forces on Guadalcanal;

Whereas during the 6-month campaign on Guadalcanal there were over 9,000 Army, Marine, and Navy casualties;

Whereas on August 7, 1992, the United States Marine Corps will conduct a ceremony at the Iwo Jima Memorial in Washington, D.C., to commemorate the landing of Marines on Guadalcanal; and

Whereas, as part of its commemoration of the 50th anniversary of World War II, the Department of Defense will recognize the contributions made by all American military personnel during the operations on Guadalcanal; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1992, is designated as "Battle of Guadalcanal Remembrance Day". The President of the United States is authorized and requested to call upon the people of the United States to celebrate the day with appropriate ceremonies and activities.

MENTAL ILLNESS AWARENESS WEEK

The joint resolution (S.J. Res. 287) to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 287

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 17,000,000 United States citizens are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 29,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of AIDS patients will develop AIDS-related cognitive dysfunction and as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental illnesses, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of \$249,000,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the Alcohol, Drug Abuse, and Mental Health Administration represents only

about 1 percent of the direct treatment and support costs of caring for persons with alcohol, drug, and mental disorders;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas mentally ill persons and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 4, 1992, through October 10, 1992, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

LYME DISEASE AWARENESS WEEK

The joint resolution (S.J. Res. 288) designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 288

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria *Borrelia burgdorferi*;

Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas forty nine states reported more than forty thousand cases of Lyme disease from 1982 through 1991;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 26, 1992 is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NATIONAL RADON ACTION WEEK

The joint resolution (S.J. Res. 294) to designate the week of October 18, 1992, as "National Radon Action Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 294

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in the Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and

schools and to make the repairs required to reduce excessive radon levels: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 18, 1992, through October 24, 1992, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

NATIONAL D.A.R.E. DAY

The joint resolution (S.J. Res. 295) designating September 10, 1992, as "National D.A.R.E. Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 295

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to twenty million youths in grades K-12;

Whereas D.A.R.E. is taught in more than two hundred thousand classrooms reaching all fifty States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. Program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches the D.A.R.E. Program completes eighty hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 10, 1992, is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

NATIONAL LITERACY DAY

The joint resolution (S.J. Res. 301) designating July 2, 1992, as "National

Literacy Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 301

Whereas literacy is a necessary tool for survival in our society;

Whereas seventeen million Americans today cannot read;

Whereas there are twenty-three to twenty-seven million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas the annual cost of illiteracy to the United States in terms of resulting welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated by the American Library Association at \$224,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas the number of illiterate adults unable to perform at the standard necessary for available employment is related to and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, and resulting in increased barriers to economic enhancement by these minorities;

Whereas almost 60 per centum of the prison population cannot read;

Whereas as many as 75 per centum of the unemployed may be illiterate;

Whereas the number of functional illiterates is expected to grow by two million three hundred thousand a year;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas federal, State, municipal, and private literacy programs have only been able to reach 9 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1992, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL BREAST CANCER AWARENESS MONTH

The joint resolution (S.J. Res. 303) to designate October 1992, as "National Breast Cancer Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 303

Whereas breast cancer will strike an estimated 180,000 women and 1,000 men in the United States in 1992;

Whereas assuming an average life expectancy of 85 years, a woman's lifetime risk of developing breast cancer is 1 in 9;

Whereas the risk of developing breast cancer increases as a woman grows older;

Whereas breast cancer is the second leading cause of cancer death in women, and will kill an estimated 46,000 women and 300 men in 1992;

Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;

Whereas most breast cancers are detected by the woman herself;

Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;

Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;

Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;

Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, or fear;

Whereas access to screening mammography is directly related to socioeconomic status;

Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and

Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

NATIONAL LAW ENFORCEMENT TRAINING WEEK

The joint resolution (S.J. Res. 304) designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 304

Whereas law enforcement training and the sciences related to law enforcement are critical to the immediate and long-term safety and well-being of this Nation because law enforcement professionals provide service and

protection to citizens in all sectors of society;

Whereas law enforcement training is a critical component of national efforts to protect the citizens of this Nation from violent crime, to combat the malignancy of illicit drugs, and to apprehend criminals who commit personal, property, and business crimes;

Whereas law enforcement training serves the hard working and law abiding citizens of this Nation;

Whereas it is essential that the citizens of this Nation be able to enjoy an inherent right of freedom from fear and learn of the significant contributions that law enforcement trainers have made to assure such right;

Whereas it is vital to build and maintain a highly trained and motivated law enforcement work force that is educated and trained in the skills of law enforcement and the sciences related to law enforcement in order to take advantage of the opportunities that law enforcement provides;

Whereas it is in the national interest to stimulate and encourage the youth of this Nation to understand the significance of law enforcement training to the law enforcement profession and to the safety and security of all citizens;

Whereas it is in the national interest to encourage the youth of this Nation to appreciate the intellectual fascination of law enforcement training; and

Whereas it is in the national interest to make the youth of this Nation aware of career options available in law enforcement and disciplines related to law enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 3, 1993, through January 9, 1993, is designated as "National Law Enforcement Training Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of this Nation, of the importance of law enforcement training and related disciplines.

POLISH AMERICAN HERITAGE MONTH

The joint resolution (S.J. Res. 305) to designate October 1992, as "Polish American Heritage Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 305

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-eighth anniversary this year and is celebrating October 1992 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

The joint resolution (S.J. Res. 309) designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 309

Whereas 1992 marks the 50th anniversary of the establishment of the Women's Army Auxiliary Corps, the Women Accepted for Voluntary Emergency Service, the Women Air Force Service Pilots, and the Women's Reserve of the Coast Guard, in which more than 400,000 women served during World War II;

Whereas there are more than 1,200,000 women veterans in the United States representing 4.6 percent of the total veterans population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wider range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 8, 1992, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I thank my colleagues for giving their unanimous approval to the resolution, Senate Joint Resolution 309, a joint resolution establishing November 8-14 as National Women Veterans Recognition Week. Representative MICHAEL BILIRAKIS has recently introduced a companion resolution, House Joint Resolution 495. I am delighted that 54 Senators have joined as cosponsors of this joint resolution, and I am grateful to the chairman, Mr. BIDEN, and the ranking Republican member, Mr. THURMOND, and other members of the Judiciary Committee for the prompt action taken in reporting this resolution to the full Senate.

For the past 8 years, I have sponsored legislation designating a week near Veterans' Day as National Women Veterans Recognition Week. I am proud to have sponsored this legislation for so many years and am gratified by the strong support it has received from my colleagues in this body.

Once, Mr. President, people used to think of our Nation's Armed Forces as a man's army. Many of the women who so selflessly contributed to our defense often found themselves underestimated, forgotten, or ignored. The principal goals of designating a week to recognize women veterans are twofold: To increase the public's awareness of the accomplishments of women in the Armed Forces and to make women veterans more aware of the many benefits available to them because of their service.

This year holds particular significance for women veterans, as it marks the 50th anniversary of the establishment of the Women's Army Auxiliary Corps/Women's Army Corps [WAAC, WAC], Women Accepted for Volunteer Emergency Service [WAVES], Women Airforce Service Pilots [WASPS], and Women's Reserve of the Coast Guard [SPAR]. The 400,000 women who served in these operations, as well as the Women Marines Reserve, which was established in 1943, made courageous efforts on our Nation's behalf in World War II.

More recently, over 30,000 women served in the Persian Gulf war last year, performing a wide range of tasks vital to the Armed Forces. Everincreasing numbers of women soldiers are performing tasks traditionally performed by men, such as main-

taining vehicles and transporting weapons and supplies. Women veterans currently comprise 4.6 percent of the veteran population, a percentage which is sure to increase as the percentage of military personnel who are women, now 12 percent, continues to rise.

Various forms of transitional assistance, for both men and women, have been established in recent years to ensure that those being discharged from active duty receive information about the various services and benefits to which they may be entitled, such as health care, disability compensation, vocational rehabilitation, education, employment assistance, and home loan guarantees. Unfortunately, no transition programs reach everyone. Moreover, many women veterans of earlier conflicts are unaware of the benefits and services available to them and often do not apply for them.

Partly because of this lack of awareness and the small number of women seeking VA care, VA was slow to remodel its existing facilities and provide gender-specific services to women veterans. At my request, the General Accounting Office recently reviewed women veterans' access to VA health care services and the quality of the services furnished to them. The review revealed that, although VA has made important advances in this area, more needs to be done, especially with regard to outreach efforts to new women veterans.

In order to better ascertain VA's ability to respond to women's veterans health care needs, the Committee on Veterans' Affairs will hold two hearings next week dealing specifically with such concerns. The first hearing, on June 30, 1992, will focus on VA's ability to meet the needs of women who were sexually assaulted or sexually harassed while serving in the military. The second hearing, on July 2, will address that issue and a broader spectrum of women's health issues, including gynecological care, preventive screening for breast and other gender-specific cancers, and VA research into women veteran's health care concerns.

Mr. President, this resolution designating the week of November 8 as National Women Veterans Recognition Week will continue the momentum built over the last 8 years to call attention to this important but often overlooked group of veterans. We must recognize the historical and growing contributions of women to our national defense. I urge my colleagues to join me in supporting this joint resolution of vital significance to these women to whom we owe our gratitude and admiration.

NATIONAL MUSCULAR DYSTROPHY AWARENESS MONTH

The joint resolution (S.J. Res. 307) designating the month of July 1992, as

"National Muscular Dystrophy Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 307

Whereas approximately 250,000 Americans are affected by muscular dystrophy, a progressive, disabling disease which causes muscles to weaken and waste away irreversibly and which is often fatal;

Whereas muscular dystrophy can strike persons of any age, sex, race, economic level, or geographical region and thousands of Americans will be diagnosed this year as having muscular dystrophy;

Whereas nine forms of muscular dystrophy have been identified, namely, Duchenne, myotonic, Becker, limb-girdle, congenital, facioscapulohumeral, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies;

Whereas Duchenne muscular dystrophy, the most common and fatal form of the disease strikes boys between ages 2 and 6 and eventually affects all voluntary muscles;

Whereas myotonic muscular dystrophy, the most common form of the disease striking adults, has a variety of symptoms and can shorten life span;

Whereas there are no proven cures or treatments for any form of muscular dystrophy and a large proportion of people affected by the disease become mobility impaired or ventilator-dependent;

Whereas thousands of young people and adults affected by muscular dystrophy have become productive, successful citizens;

Whereas recent advances in genetic research have enabled scientists to locate the genes responsible for the two most common forms of muscular dystrophy and the chromosome areas for other forms;

Whereas knowledge about the causes of muscular dystrophy will have an impact on developing cures not only for muscular dystrophy but also for other neuromuscular diseases and disorders such as heart disease;

Whereas finding the causes of, and the cures for, all forms of muscular dystrophy will prevent the disease from robbing hundreds of thousands of Americans of full mobility and their lives; and

Whereas raising public awareness of muscular dystrophy will facilitate the discovery of a cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of July 1992 is designated as "National Muscular Dystrophy Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

VIETNAM VETERANS MEMORIAL 10TH ANNIVERSARY DAY

The joint resolution (S.J. Res. 318) designating November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 318

Whereas on November 13, 1982, the Vietnam Veterans Memorial was dedicated in honor

and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam War, particularly those who gave their lives or who remain missing;

Whereas the Vietnam Veterans Memorial, located on a site in West Potomac Park in the District of Columbia near the Lincoln Memorial as authorized by Public Law 96-297, was constructed with funds raised entirely from private sources;

Whereas this memorial, bearing the names of 58,183 men and women, has become the most visited memorial in the Nation's capital;

Whereas November 13, 1992, marks the 10th anniversary of the Vietnam Veterans Memorial, a milestone which will be observed during 1992 through educational seminars, a reading of the names on the Wall, veterans reunions, and other appropriate events;

Whereas this anniversary offers an opportunity for the entire country to reflect on the Vietnam Veterans Memorial and its role in healing the Nation's wounds from the Vietnam era; and

Whereas the anniversary will enable new generations to discuss lessons learned in the decade since the Memorial's dedication: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 13, 1992, is designated as "Vietnam Veterans Memorial 10th Anniversary Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL CHILDREN'S DAY

The joint resolution (S.J. Res. 319) to designate the second Sunday in October 1992, as "National Children's Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 319

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1992 is designated as "National Children's Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL CREDIT EDUCATION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 252) designating the week of April 19 through April 25, 1992, as "National Credit Education Week," which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert in lieu thereof other language.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, as amended, and the preamble, as amended, are as follows:

S.J. RES. 252

Whereas consumer credit is an integral part of the free enterprise economy of the United States;

Whereas the vast array of credit products has increasingly complicated the problems and opportunities for consumers;

Whereas the benefits consumers receive from using credit depend upon the prudent use of credit and the prompt discharge of credit obligations;

Whereas educated consumers who know their choices, rights, and responsibilities are better able to use credit wisely, thus increasing economic stability and marketplace competition;

Whereas the increasing sophistication and complexity of the financial marketplace necessitates that consumers be given simple and understandable information about financial products in order to make informed decisions; and

Whereas businesses, schools, community organizations, and individuals should educate the people of the United States concerning consumer credit: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 18, 1993, is designated as "National Credit Education Week", and the President is authorized and requested to issue a proclamation calling on the people of the United

States to observe the week with appropriate programs, ceremonies, and activities.

The title was amended so as to read: "Joint resolution designating the week of April 18 through April 24, 1993, as 'National Credit Education Week'."

NATIONAL SMALL INDEPENDENT TELEPHONE COMPANY WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 281) designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week," which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof other language.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

(The text of the joint resolution, as passed, will appear in a future edition of the RECORD.)

S.J. RES. 281

Whereas for more than 100 years, dedicated individuals have worked to bring telecommunications services to rural areas that otherwise might not have had telephone service, overcoming the obstacles of difficult terrain and sparse population;

Whereas these rural areas have available state-of-the-art telecommunications services, linking them to the Nation's public network to the benefit of all Americans, both rural and urban, and contributing to the overall competitiveness of our Nation;

Whereas the availability of telecommunications services provides jobs in the local communities and contributes significantly to rural development efforts; and

Whereas designating a week to raise awareness of rural telecommunications services will help promote the important role that such services, as well as the dedicated individuals providing them, have played in the continued development of the Nation's telecommunications infrastructure, as well as their local communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 14, 1992 and ending on September 20, 1992, is designated as "National Rural Telecommunications Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs and activities.

EXTENSION OF MEDICAID WAIVER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2901, a bill to provide a 19-month extension of a waiver for the Tennessee Primary Care Medicaid HMO, introduced earlier today by Senator SASSER; that bill be deemed read

three times and passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2901), which was deemed to have been read three times and passed, is as follows:

S. 2901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICAID WAIVER FOR TENNESSEE PRIMARY CARE NETWORK.

Section 6411(f) of the Omnibus Budget Reconciliation Act of 1989 is amended by striking "June 30, 1992" and inserting "January 31, 1994".

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLARIFICATION OF INTENT OF REMARKS ON IMMIGRATION

Mr. BYRD. Mr. President, on yesterday, during comments concerning the Russian aid bill, I made extemporaneous remarks which could be interpreted in a way that I did not intend. I was referring to a provision in the bill that extends a special status to immigrants from the former Soviet Union, Vietnam, Cambodia, and Laos that would allow entrance to these immigrants beyond the normal United States standards for refugees or those seeking asylum.

That special status, which has already been granted until September 30, 1992, would be extended for 2 additional years under this Russian aid legislation. This provision has concerned me because especially it could mean the migration of unknown numbers of new immigrants to our shores.

As chairman of the Appropriations Committee, I know firsthand of the extreme shortage of money to meet the needs of our own population. I have wrestled mightily every year since becoming chairman with trying to provide enough money to educate our children, meet the needs of our cities, battle crime in our streets, provide transportation to our population, meet our health care needs, and on and on and on.

I am very concerned that a very open immigration policy only makes it more difficult to adequately meet these needs. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs, and I have

done this in budget summits, in meetings and in letters, all to no avail.

I fear that on yesterday those frustrations were expressed in a way that might offend many immigrants and the descendants of many immigrants. This Nation is remarkable precisely because of this diversity.

For generations, the United States of America has had the good fortune to have been able to draw not only upon the talents of native-born Americans, but also upon the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal and made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life. Of course, many of these new Americans had trouble with our language and customs when they first arrived, but they learned our language, they grasped our constitutional principles, they abided by our laws and contributed in a mighty way to our success as a nation.

Indeed, I believe that particularly in the case of those who came fleeing tyranny, there is a unique appreciation for the freedom and opportunity available in this country which makes those special Americans among our most patriotic citizens.

I meant to express that at a time when we have a shortage of jobs, a lack of adequate health care, a problem with adequately educating our people, and an administration entirely opposed and unsympathetic to these needs, we cannot afford to take on more. Although I understand how much we would like to help the millions of peo-

ple in the world who crave the blessings of freedom, at this time in our history I do not know how we are going to afford to provide for additional people who may need special assistance with education and job skills. If we invite these people to come, we have an obligation to adequately take care of them. My frustration stems from our present inability to provide for even those who have already come and those who are born in this country.

Again, I regret that in the heat of the moment, I spoke unwisely, I hope that these comments will serve to clarify my intent.

ORDERS FOR MONDAY, JUNE 29, 1992

Mr. BYRD. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, June 29; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each; that Senator SYMMS be recognized to speak for up to 40 minutes; that on Monday, June 29, first-degree amendments may be filed until 4 p.m. and first-degree amendments must be filed by 12:30 p.m. on Tuesday, June 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, JUNE 29, 1992, AT 2 P.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I now move, in accordance with the previous order, that the Senate stand in recess until 2 p.m. on Monday, June 29.

The motion was agreed to, and at 3:44 p.m., the Senate recessed until Monday, June 29, 1992, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1992:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

STEPHANIE DUNCAN-PETERS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR TERM OF 15 YEARS.

ANN O'REGAN KEARY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR TERM OF 15 YEARS.
JUDITH E. RETCHIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR TERM OF 15 YEARS.
WILLIAM M. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR TERM OF 15 YEARS.

DEPARTMENT OF AGRICULTURE

JAMES B. HUFF, SR., OF MISSISSIPPI, TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION FOR A TERM OF 10 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

THOMAS K. MOORE, OF THE VIRGIN ISLANDS, TO BE A JUDGE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF 10 YEARS.

EDUARDO C. ROBBENO, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

GORDON J. QUIST, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

NORMAN H. STAHL, OF NEW HAMPSHIRE, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT.